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OF

IMPEACHMENT

OF

HIGH TREASON,

AND OTHER

High Crimes and Misdemeanours,

Against the Right Honourable

*R O B E R T, ******

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ARTICLES

OF

IMPEACHMENT

TO

HIGH TREASON

AND OTHER

CRIMES AND VIOLATIONS

OF THE CONSTITUTION

OF THE UNITED STATES

AND OTHER

CRIMES AND VIOLATIONS

OF THE CONSTITUTION



T H E

P R E F A C E.

IMpeachments in Parliament are the Act of the House ; but the Penning of the Articles is generally performed by a Member of eminent Abilities for such a Service. The following are ascribed to a distinguished Gentleman. They are extensive in their Nature ; therefore proper to employ some leisure Hours of young Persons of Condition ; especially such as have Seats in Parliament.

Here

See page 1,
4, 6, 9, 35,
37.

Here we may learn the Judgment of the Commons, of *Great Britain*, that a just Balance of Power in *Europe* ought to be preserved; that aggrandizing the House of *Bourbon* is destructive of that Balance; That the Commerce of *Great Britain* ought to be a principal care of her Ministers of State; That Treaties to secure it ought to be particular and explicate; that general Propositions for that purpose have been considered as insnaring and destructive.

See p. 12,
14, 15.

p. 26.

p. 26.

p. 27, 29,
31.

Here we may observe, not only the adherence to the Enemies of the Sovereign, the paying Money to them, or the corresponding with them, urged as Crimes of the first Magnitude; but also the making a disadvantageous Treaty, when great Supplies had been granted and expended; the not taking Advantage of a fine Army, provided with all Necessaries to act with Vigour, superiour as to Number and Goodness, and animated with a noble Zeal to acquit themselves bravely; here, I say, we may find the Disappointment of that glorious Prospect, by the giving *Orders not to fight*, charg'd as a Crime of a high, perhaps of the highest Nature.

Here

Here we are instructed in the Truth of that Adage, *Pax Quæritur bello*, i. e. to make Peace Sword in Hand. Here, too large Concessions to a Powerful Rival, are imputed as the Crime of adhering to an Enemy; and 'tis again inculcated, that the Securities by Treaties for the *Safety and Advantage of Commerce*, ought to be the most *strict and certain imaginable*: and that keeping them *in suspense*, or leaving them unsettled, is a wicked and pernicious Counsel, and not a little aggravated by slighting the Representations of the *British Merchants*.

In this *Catalogue* of Crimes, the giving up by Treaty, Part of the antient Territories of the Crown, has it's Place, and 'tis aggravated by the Effects which such Cession may have upon Commerce.

'Tis here, the Sense of the Commons of *Great Britain*, that 'tis unjust, dishonourable, and pernicious to strip one Ally of his Dominions in favour of another, tho' the less Powerful; and more especially by the Aid of Part of the Fleet of *Great Britain*, and at her Expence.

Here

Here are discovered Means by which a Minister may abuse the Royal Favour; 42, 46, 47. mislead a Parliament into groundless and fatal Resolutions, and obtain their Approbation to his Mysterious and dangerous Practices.

Here the Necessity of the Freedom and 47. Independency of Parliaments is asserted, as the Ornament and Support of the Crown; and that when a Minister attempts to destroy them, 'tis with a View to shelter and promote his own unwarrantable Proceedings; That a Minister may have an 51. evil Influence in a House of Commons, and corruptly employ wicked Acts, and Credit gained by false and crafty Insinuations and Practices, to prevent an Examination 52. into a scandalous Misapplication of the Public Treasure; that such an Influence is a vain and wicked Recommendation to Royal Favour, and brings a lasting Reproach and Scandal, on such a House of Commons.

'Tis here deem'd a most vile and 52, 55. scandalous Corruption and Breach of Trust, and an Injustice and Oppression to the Subjects, for a Treasurer to heap up Wealth by procuring exorbitant Grants,

Grants, while his Country Labours under heavy Debts.

'Tis also here considered as a strong^{55, 56, 57.} Presumption of corrupt Management, when a great Minister employs Instruments and Creatures of his own, to conclude Matters of the highest Importance. Assuming the supreme Direction^{41, 47, 51.} in the Councils of the Sovereign, is also,^{63.} mentioned in a Manner that shews, 'tis too bold even in a Lord Treasurer; and upon the Whole we may observe towards the Conclusion, that the many high Stations a Minister has enjoy'd, if he be Criminal, serve only to aggravate his Crimes.

As the Right Honourable Person, against whom these Articles were exhibited, was acquitted by an unanimous Vote, 'tis but Justice to omit his Title, and to declare that these are Republished, not for the particular Facts they contain; but for the Sake of the general Doctrines, or Natural Inferences expressly asserted in, or clearly deducible from

from them, which are highly Worthy
the Knowledge of those Persons to whom
the Perusal is recommended, in the first
Paragraph of this Preface.

ARTICLES

A R T I C L E S, &c.

WHEREAS many solemn Treaties and Alliances have been formerly entred into between the Crown of *England*, and other Princes and Potentates of *Europe*, for their mutual Safety, and from the Considerations of the Common Danger, which threatned all Christendom, from the immoderate Growth of the Power of France. And whereas the preventing the Monarchy of Spain from coming into the Hands of the House of Bourbon, has for many Years been a fundamental Principle and Maxim of Union among the Allies, in order to preserve a just Balance of Power in Europe: And to that end, as the Designs of France on the Monarchy of Spain have from time to time appear'd, new Treaties and exprefs Stipulations have been enter'd into amongst the Allies, to strengthen themselves against that approaching Danger: And on this Foundation, a Treaty for an intended Partition, whereby a small Part only of the Dominions of the Crown of Spain was allotted to the House of Bourbon, was condemned by the Wisdom of Parliament, as being highly prejudicial, and fatal in its Consequences to England, and the Peace of Europe: And whereas the Duke of Anjou, Grandson to the King of France, on the Demise of Charles the Second, King of Spain, took possession of the entire Monarchy of Spain, whereby the Balance of Power, the Protestant Religion, and the Liberties of

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Europe

Europe were threatned with immediate Danger; where-upon *Leopold*, then Emperor of *Germany*, his late Majesty King *William* the Third, of Ever-Glorious Memory, and the States-General of the *United-Provinces*, finding at that most critical Juncture, that a strict Conjunction and Alliance between themselves was become necessary, for repelling the Greatness of the Common Danger, from so great an Accession of Power to the then common Enemy, did, in the Year of our Lord 1701, make, form, and conclude a new Treaty and Alliance, whereby it was agreed, That there shall be and continue between the said Confederates, his Sacred Imperial Majesty, his Sacred Royal Majesty of *Great Britain*, and the Lords the States-General of the *United Provinces*, a constant, perpetual, and inviolable Friendship and Correspondence, and that each Party shall be obliged to promote the Advantages of the other, and prevent all Inconveniences and Dangers that might happen to them, as far as lies in their Power: That the said Allies, desiring nothing more earnestly than the Peace and general Quiet of all *Europe*, have adjudg'd that nothing can be more Effectual for the Establishment thereof, than the *procuring an equitable and reasonable Satisfaction to his Imperial Majesty for his Pretension to the Spanish Succession*, and that the King of *Great Britain* and the States-General may obtain a particular and sufficient Security for their Kingdoms, Provinces and Dominions, and for the Navigation and Commerce of their Subjects: That the said Confederates thereof shall, in the first Place, endeavour, by amicable Means, to obtain the said Satisfaction; but if, contrary to their Expectation and Wishes, the same is not had, the said Confederates do engage and promise to one another, that they will assist each other with all their

heir Forces according to a Specification to be agreed
 pon in a peculiar Convention for that pur-
 pose: That the Confederates, in order to the pro-
 curing the Satisfaction and Security aforesaid, shall,
 amongst other Things, use their utmost Endeavours
 to recover the Provinces of the *Spanish Low-Countries*,
 that they may be a Fence and Rampart; commonly
 called a Barrier, separating and dividing *France* from
 the *United Provinces*, for the Security of the States-
 General, as they have serv'd in all times, till of late
 that the most Christian King has seiz'd them by his
 forces; as likewise the Dutchy of *Milan*, with it's
 dependences, as a Fief of the Empire, and contri-
 buting to the Security of his Imperial Majesty's He-
 ditary Dominions; *besides the Kingdoms of Naples*
and Sicily, and the Lands and Islands upon the Coast of
Calabria in the Mediterranean, that belonged to the
Spanish Dominions, and may serve to the same Purpose,
and will be also of Advantage to the Navigation and
Commerce of the Subjects of the King of Great Britain,
and of the United Provinces: That in Case the
 Confederates shall be forced to enter into a War, for
 obtaining the Satisfaction aforesaid for his Imperial
 Majesty, and the Security of his Majesty of *Great*
Britain, and the States-General, they shall commu-
 nicate their Designs to one another, as well in Rela-
 tion to the Action of the War, as all other Things
 wherein the common Cause is concerned: That it
 shall not be permitted to either Party, when the
 War is once begun, to treat of Peace with the
 Enemy, unless jointly, and by a Communication of
 Councils; and *no Peace shall be made, unless an equi-*
table and reasonable Satisfaction for his Imperial Ma-
esty, and the particular Security of the Kingdoms,
Provinces, Dominions, Navigations, and Commerce for
Majesty of Great Britain, and the States-General,

be first obtained; and unless Care be taken, by fitting Security, that the Kingdoms of France and Spain shall never come and be united under the same Government, nor that one and the same Person shall be King of both Kingdoms; and particularly that the French shall never get into the Possession of the Spanish Indies, neither shall they be permitted to sail thither on the Account of Traffick, directly or indirectly, on any Pretence whatsoever: And lastly unless full Liberty be granted unto the Subjects of the King of Great Britain, and the States-General, to exercise and enjoy all the same Privileges, Rights, Immunities, and Franchises of Commerce by Sea and Land in Spain, the Mediterranean, and all Lands and Places which the King of Spain last deceased did possess at the Time of his Death, as well in Europe as elsewhere, which they used and enjoyed, or which the Subjects of both, or either of them, by any Right acquired by Treaties, Agreements, Customs, or any other way whatsoever, might have used and enjoyed before the Death of the late King of Spain: That, at the same Time that the said Agreement or Peace shall be made, the Confederates shall agree amongst themselves about all the Things that they shall think necessary for maintaining the Navigation and Commerce of the Subjects of his Majesty of Great Britain and the States-General, in the Lands and Dominions they may acquire, and that were possessed by the late deceased King of Spain, and also in what manner the States-General may be secured by the aforesaid Fence or Barrier. And whereas his said late Majesty King William, and the States-General, seriously considering that France was then become so formidable from the Accession of Spain to the Duke of Anjou, that, in the Opinion of all the World, Europe was in danger of losing her Liberty

and undergoing the heavy Yoke of Universal Monarchy, and that the surest Means of effecting that Design, were to divide the King of Great Britain from the States-General, for which Purpose all imaginable Efforts would be made; they therefore thought it necessary to unite in the strictest Manner that was possible, and to that End a *Defensive Treaty and Alliance* was concluded and entered into between them, in or about the Month of November, 1701, wherein it was among other Things agreed, That in case the said High Allies should be jointly engaged in War, by reason of this Defensive Alliance before-mentioned in the fifth Article, or on any other Account, there shall be an Offensive, and Defensive, and Perpetual Alliance between them, against those with whom War shall be, and all their Forces shall be employed by Sea and Land, and they shall act in conjunction or separately, as it shall be agreed between them. That since, in the Alliance with the Emperor made in September last, particular Care was taken of the Recovery of the *Spanish Low Countries*, out of the Hands of the most Christian King, the said Confederates expressly engage to aid one another with all their Forces for the Recovery of the same. And in regard the principal Interest of the said Confederates consists in the Preservation of the Liberties of *Europe*, the before-mentioned Treaty with the Emperor shall be faithfully and sincerely executed, and both Sides shall guaranty the same, and use their Endeavours to confirm and render it more strong from time to time: That in making Peace, particular Care shall be taken of the Commerce and Traffick of both Nations, as also for their Security, as well in regard to the *Low Countries*, as the Countries adjacent: That when the War is begun, the Confede-

rates shall act in concert, according to the Seventh and Eighth Articles of the Treaty of the Third of *March*, in the Year of our Lord 1672, between *England* and *Holland*, which is hereby renewed and confirmed; and no Peace, nor Truce, or Suspension of Arms, shall be negotiated or made, but according to the Ninth and Tenth Articles of that Treaty; by which it was agreed, that when the two Allies come to an open War, it shall be lawful for neither of them afterwards to come to any Cessation of Arms with him, who shall be declar'd and proclaim'd an Enemy, without it be done conjointly, and with common Consent: That no Negotiation of Peace shall be set on Foot by one of the Allies, without the Concurrence of the other. That each Ally shall continually, and from time to time, impart to the other every Thing that passes in the said Negotiation, and shall stipulate with the common Enemy for the same Rights, Immunities, Exemptions and Prerogatives for his Ally as he does for himself, if so be the said Allies do not agree to the contrary. And whereas the *French* King having got Possession of a great Part of the *Spanish* Dominions, exercised an absolute Authority over that Monarchy, having seiz'd *Milan* and the *Spanish Low-Countries* by his Armies, and made himself Master of *Cadiz*, of the Entrance into the *Mediterranean*, and of the Ports of the *Spanish West-Indies* by his Fleets, every where designing to invade the Liberties of Europe, and to obstruct the Freedom of Navigation and Commerce; and instead of giving the Satisfaction that ought justly to be expected had proceeded to further Violences, and had taken on him to declare the pretended Prince of *Wales* King of *England*, *Scotland*, and *Ireland*, and had also influenced *Spain* to concur in the same A

from

front; her late Majesty Queen *Anne* taking Notice, that she found her self obliged, for maintaining the Publick Faith, or vindicating the Honour of the Crown, and to prevent the Mischiefs which all Europe was threaten'd with, to declare War against France and Spain; did accordingly, in the Month of May 1702, in the most publick and solemn Manner, declare War against France, and Spain; and in the said Declaration, placing her entire Confidence in the Help of Almighty God, in so just and necessary an Undertaking, declared, That she would, in Conjunction with her Allies, vigorously prosecute the same both by Sea and Land, being assured of the ready Concurrence of her Subjects, in a Cause they had so openly and heartily espoused. And his Imperial Majesty and their High Mightinesses, pursuant to the Treaties aforementioned respectively, in or about the said Month of May, 1702, did likewise declare War against France and Spain. And whereas the Kings of Portugal and Prussia, the Electors of Hanover, Saxony, Treves, Mentz, Palatine of the Rhine, the Duke of Savoy, the Prince of Hesse, the Dukes of Wolfenbüttele, Mecklenburg, and Wirtemberg, the Circles of Suabia and Franconia, and of the Upper-Rhine, the Bishops of Munster and Constance, and other Princes and Powers, being invited by the said Grand Alliance, and relying on the Faith thereof, did afterwards become Parties to the said Confederate War against France and Spain; and in the Treaty entered into in or about the Month of May, One Thousand Seven Hundred and Three, between his Imperial Majesty, the Queen of Great-Britain, the States-General, and the King of Portugal, it is, amongst other things, expressly stipulated, That no Peace nor Truce shall be made, but by the mutual Consent of all the Confederates; nor shall at any time be made, whilst the second Grandson of the most

Christian King by the Dauphin, or any other Prince of the Line of *France* continues in *Spain*, nor unless the Crown of *Portugal* shall fully possess and enjoy all the Lands, Kingdoms, Isles, Castles, Cities, Towns, &c. with their Territories and Dependences in *Spain*, or elsewhere, which it now possesses. And in the Treaty of *Nordlingen*, ratify'd by her late Majesty, it is, amongst other things, expressly agreed, that it shall not be allowed to make particular Treaties, but the Peace shall be jointly treated of, and shall not be concluded without obtaining, as far as is possible, the Re-Union of the Lands belonging to the Circles, and until at least the Security of the associated Circles be absolutely provided for, in the best manner that is possible, and better than it has formerly been. And whereas to give the greatest Strength that was possible to the Union, so necessary to both Nations, her late Majesty and the States, by a Treaty in the Month of *June*, One Thousand Seven hundred and Three, renewed and confirmed all Treaties and Alliances then subsisting between them; and therein it is, amongst other things, expressly and particularly stipulated, That as the said most Serene Queen, and the Lords the States-General, are now in War with *France* and *Spain*, and are reciprocally bound to assist each other, and mutually to defend, maintain, and preserve their Countries and Subjects in their Possessions, Immunities, and Liberties, as well of Navigation and Commerce, as other Rights whatsoever by Sea and Land, against and in Opposition to all Kings, Princes, and States, and particularly against *France* and *Spain*, to the end a just and reasonable Peace may the better be obtained, that may establish the Repose and Tranquility of *Europe*, it is agreed between the most Serene Queen of *Great Britain*, and the said Lords the States

States-General, that neither of the said Allies shall make a Suspension of Arms or a Peace with *France* or *Spain*, or any other King, Prince, or State, who shall molest or attack either of the said Allies, but in Conjunction and by common Consent. And whereas *the said War was for several Years carry'd on with Vigour and Unanimity by her Majesty and her Allies, at a vast Expence both of Blood and Treasure; for the Support of which, on the Part of England, many Millions have been granted by Parliament, who, on many Occasions since, continued not only to express their Sense of the Justice and Necessity of the War, but did frequently give their humble Advice to the Throne, That no Peace could be Safe, Honourable, or Lasting, so long as the Kingdom of Spain and the West-Indies continued in the Possession of any Branch of the House of Bourbon.* And whereas it pleased Almighty God to grant to the Confederate Arms, under the Command of their Great and Victorious General the Duke of Marlborough, such unparallel'd Successes as exceeded even their own Hopes and the Fears of the Enemy; and by the many signal Victories of *Schellenberg, Hochstet, Audenarde, and Ramellies*, as well as by the Conquests of the Electorates of *Bavaria and Cologne*, and the Reduction of the *Spanish Netherlands*, and many other great Advantages both by Sea and Land; and by the Wisdom and Unanimity of their Counsels, the Glory of the Confederate Arms, and the Reputation of *Great Britain* in particular, was rais'd to an higher Pitch than in any former Age. And whereas her late Majesty, in Conjunction with her Allies, wisely foreseeing, that whenever the Enemy should be brought to make Overtures of Peace, the surest way to put an End to the War, and prevent *France* from putting in Practice her usual Intrigues, was, by previously insisting on such

Conditions

Conditions from *France*, that nothing might remain to be done in a General Assembly, but to give them the Form of a Treaty; and for these Reasons a Preliminary Treaty was concluded on, and was afterwards sign'd by the Plenipotentiaries of his Imperial Majesty, of her late Majesty the Queen of *Great Britain*, and of the Lords the States-General of the United-Provinces, and afterwards ratified by their Principals; wherein the Interests of the several Allies were adjusted, in order to a General Treaty of Peace with *France*: and therein, the Restitution of the *Spanish* Monarchy to the House of *Austria*, being one of the chief Causes for carrying on the War, is laid down as an immutable Foundation among the Allies. And whereas in the Year of our Lord 1709, the King of *France* having first signify'd his Consent to the Restitution of the *Spanish* Monarchy to the House of *Austria*, sent his Ministers to the *Hague* to treat with the Ministers of the Principal Allies on a General Peace; and in the Conferences held thereupon, the Interests of all the Allies, as adjusted in the said Preliminaries, were positively and expressly agreed to by the Ministers of *France*, and particularly that of the Restitution of the entire *Spanish* Monarchy to the House of *Austria*; and the said Negotiation was afterwards broke, on no other Dispute but on the thirty seventh Article of the Preliminary Treaty, concerning the Time and Manner of evacuating *Spain*. And whereas the Conferences being resumed at *Gertruydenberg*, in the Year of our Lord 1710, the said thirty seventh Article became the only Subject of the Negotiation which was there set on foot, for the finding out some Equivalent by which the same Security might be given to the Allies, as they had by the thirty seventh Article of the said Preliminaries; and
though

though it was unquestionable, that before any Negotiation was begun, that while the Preliminaries were treating, that by those Preliminaries themselves, that before the last Negotiation was resumed, and all the while it lasted, the Restitution of *Spain* and the *Indies* was laid down as a firm and immoveable Foundation of the Negotiation, and no question remain'd concerning it with the Ministers of the Allies or those of *France*, but touching the Security for its Execution : and tho' all reasonable and prudent Overtures were made by the Allies for settling an Equivalent, yet the Conferences were broke off by *France*, without any Satisfaction therein. And whereas the sincere Intentions of all the Allies to have settled the Peace of *Europe* on solid and equitable Foundations were notorious and incontestable, and the Rupture of the said Negotiations could only be imputed to the Enemy ; her Sacred Majesty, in Conjunction with her Allies, renew'd their Resolutions to continue and push the War with Vigour, and to make all possible Efforts, as the only Means left to force a good and general Peace. And her Majesty, in her Speech from the Throne on the Fifteenth of *November*, 1709, taking notice of the Endeavours of the Enemy during the said Negotiation to amuse and create Jealousies among the Allies, declared her Resentment thereat, and earnestly recommended the carrying on the War, and a vigorous Prosecution of the Advantages obtained, that she might put the last Hand to *that great Work of reducing the exorbitant and oppressive Power which had so long threatned the Liberties of Europe*. And it having pleased Almighty God, after the said Preliminary Treaty to bless the Confederate Army, under the Command of their consummate General the Duke of *Marlborough*, with new and signal Conquests, the Reduction of *Tournay*, the Victory of *Tafnieres*, the
Taking

Taking of *Mons* and *Doway*, *Bethune*, *St Venant*, and *Aire*, and the Penetrating the Lines near the *Scarpe*. And whereas, from the prosperous Condition of the Allies, and the Wisdom, Firmness, and Unanimity of their Counsels, nothing remained, in all human Appearance, but that they should reap the Fruits of all their Victories in a speedy, just, honourable and lasting Peace; and on the other hand, nothing was left to raise the Hopes of the Enemy, whereby to defeat that happy Prospect, but the Success of their secret Endeavours to disunite the Confederacy. And whereas *Robert*, &c. with other evil-minded Persons, Enemies to the true Interests of their own Country, as well as to the common Liberties and Welfare of Europe, having by many wicked Arts and base Insinuations obtain'd Access to her late Majesty *Queen Anne*, and in or about the Months of July or August, 1710, being admitted into her Councils, and into Places of the highest Trust; and to make way for their wicked Enterprizes, did, by their evil Counsel and Advice, prevail on her Majesty to dissolve a Parliament which had given the most unquestionable Proofs of their great Wisdom, and of their true Zeal for the common Cause; for which, as well as for the many Marks of Duty and Affection given to her, her Majesty return'd her hearty Thanks, and express'd her great Satisfaction. And whereas the said *Robert*, &c. and others his Accomplices, had formed a treacherous Correspondence with the Emissaries of France, by means wherof certain Propositions were transmitted from France to England, sign'd by *Monsieur de Torcy*, Secretary of the King of France, in the Month of April, 1711, to be the Basis of a General Peace; which Propositions, tho' her Majesty was prevailed on by the false Counsels of the said *Robert*, &c. and others to receive as a sufficient Foundation of a Treaty of a General Peace, and

as such to communicate them to the Grand Pensionary and the Ministers of *Holland*, her Majesty however was graciously pleased at the same time to declare to them her Pleasure by her Secretary of State, That being resolv'd, in making Peace as in making War, to act in perfect Concert with the States, she would not lose a Moment in transmitting a Paper of that Importance ; and that tho' the Propositions were general, and contain'd an Air of Complaisance to her Majesty, and the contrary towards the States ; yet that could have no ill Consequences, as long as her Majesty and the States understood one another, and acted with as little Reserve as became two Powers so nearly ally'd in Interest ; and that the Pensionary should be assured, that that Rule should be inviolably kept on her Part. Which gracious Declaration of her Majesty, as well as the said Propositions, being maturely consider'd by the Grand Pensionary and the Ministers of *Holland*, an Answer was return'd from them to her Majesty full of Duty and Thankfulness for the obliging manner in which she was pleased to communicate the said Propositions, and with the utmost Assurances of mutual Confidence, so necessary to prevent the Designs of the Enemy ; but more particularly that the States desired, equally with *Great Britain*, to have a general, definitive, and lasting Peace, and declar'd that they were ready to join in all the most proper Measures to procure it ; that the Propositions were yet too general, and that the States desire, as *Great Britain* did, that *France* would explain herself more particularly upon the Points therein contain'd, and impart a Plan which she thinks the most proper to secure the Interest of the Allies, and settle the Repose of *Europe*, after which a more particular Negotiation might be enter'd into. Notwithstanding all which Premises,

ARTICLE

ARTICLE I.

He the said Robert, &c. having no Regard to the Honour or Safety of her late Majesty, or her Kingdoms, or to the many solemn Engagements she was then under to the old and faithful Allies of this Nation, or to the common Liberties of Europe; but, being devoted to the Interest and Service of the French King, the common Enemy; and being then Lord High-Treasurer of Great Britain, and one of her Majesty's most Honourable Privy-Council, contrary to his Oath, and in Violation of his Duty and Trust, and in Defiance of the Tenour of the severall Treaties afore-mention'd, or some of them, as well as of the frequent Advices of Parliament, and the many Declarations of her Majesty from the Throne; but more particularly in Defiance of the solemn and mutual Assurances which had been so lately renew'd between her Majesty and the States, to act in perfect Concert with them in making Peace as in making War, did on or about the Months of July or August in the Year of our Lord 1711, maliciously and wickedly form a most treacherous and pernicious Contrivance and Confederacy with other evil-dispos'd Persons, then also of her Majesty's Privy-Council, to set on foot a private, separate, dishonourable, and destructive Negotiation of Peace between Great Britain and France, without any Communication thereof to her Majesty's Allies, according to their severall Treaties; and was not only wanting in his Duty and Trust to her Majesty, by not opposing, and, as far as was in his Power, by not advising her Majesty against going into any private separate Negotiations with France; but in Execution of his Purposes aforesaid, he the said Robert, &c. did advise her late Majesty to send Matthew Prior, Esq; directly to the Court of France, to make Propositions of Peace, without

com-

communicating the same to her Majesty's Allies, And accordingly the said *Matthew Prior*, by the Advice and with the Privy of him the said &c. and other false and evil Counsellors, in or about the Months of *July* or *August*, in the Year of our Lord 1711, was sent in a clandestine manner from *England* to *France*, and did communicate the said Propositions of Peace to the Minister's of *France*, in which the particular Interests of Great Britain, as well as the common Interest of Europe, were shamefully betray'd : And in Manifestation of his said Design to exclude her Majesty's Allies from their just Share in the said Negotiation, an express Article was inserted in the said Propositions, by the Privy and Advice of him the said *Robert*, &c. that the Secret should be inviolably kept till allowed to be divulged by the mutual Consent of both Parties ; although the *French King* had in the Propositions signed by Mounseur *de Torcy*, and transmitted in the Month of *April* preceding, offer'd to treat with the Plenipotentiaries of *England* and *Holland* alone, or jointly with those of the Allies, at the Choice of *England*. By which treacherous and dangerous Advice he the said *Robert*, &c. did not only contrive and set on foot a Negotiation of Peace more advantageous to *France* than even *France* itself had ask'd ; but thereby did put it into the Power of the common Enemy to create incurable Jealousies and Discords between her Majesty and her faithful Allies, and to destroy that Confidence which had so long and so successfully been cultivated between them, and which was so necessary for their common Safety.

A R T I C L E II.

That the *French King* laying hold of the said treacherous Overture, set on foot in manner aforesaid, did
in

in or about the Months of *August* or *September*, in the Year of our Lord 1711, send over *Monsieur Mesnager* into England, to carry on a clandestine and separate Negotiation of Peace; which being made known to him the said Robert, &c. he did afterwards in the said Month of *September*, 1711, secretly and unlawfully, without any Colour of Authority, meet, confer, and treat with the said *Sieur Mesnager* on the Negotiations of Peace between Great Britain and France; and therein he did advise and promote the making a private and separate Treaty or Agreement between the said Crowns; which said Treaty or Agreement was afterwards, with the Privy, Consent, and Advice of him the said Robert, &c. agreed, concluded on, and signed by the said *Sieur Mesnager* on the part of France, and by the Earl of *Dartmouth* and *Henry St John*, Esq; two of her Majesty's Principal Secretaries of State, in Behalf of her late Majesty, by virtue only of her Majesty's Sign Manual under the Signet, and without the least Knowledge or Participation of the Allies. In which Treaty the immediate Interests even of Great Britain are given up to France, and the Duke of *Anjou* is admitted to be King of Spain; an express Stipulation being therein made with the *Sieur Mesnager* in the Name, and (as is therein alledged) pursuant to Powers from King *Phillip* as King of Spain: Whereby he the said Robert, &c. did not only assume to himself Regal Power, in taking upon him to meet and treat with the Enemy without any Authority or Powers from her Majesty; but did what in him lay to subvert the ancient and establish'd Constitution of the Government of these Kingdoms, by introducing illegal and dangerous Methods of transacting the most important Affairs of the State; and by which private and separate Treaty, he the said Robert, &c. did what in him lay to dissolve and cancel the many
solemn

plem Treaties her Majesty then stood engaged in
 to her good and antient Allies, and whereby her
 Majesty, even before any thing was finally settled for
 the Safety or Advantage of her Kingdoms, was
 brought to this fatal Dilemma ; either to submit to
 the Dictates of *France* in the Progress of the said Ne-
 gotiation, or, so notorious a Breach of National
 Faith being divulged by the Enemy, from thence
 to lose all future Confidence of her good Allies.

A R T I C L E III.

That the said Robert, &c. the better to disguise
 and carry on the aforesaid private, separate, and
 dangerous Negotiation, *did, together with other evil-*
spos'd Persons. then in high Trust under her Majesty,
contrive and advise the preparing and forming a Set of
General Preliminaries, intituled, Preliminary Articles
on the part of France, to come to a General Peace ;
and that the same should be sign'd by the Sieur Mes-
nager only. And the same being so prepar'd and
sign'd by the said Sieur Mesnager, he the said Ro-
bert, &c. did, contrary to his Duty and Trust, im-
 piously advise her Sacred Majesty that the same should
 be, and accordingly they were received by her Ma-
 jesty, and communicated to the Ministers of the
 Allies then residing in *England*, as the Ground of a
 general Negotiation of Peace ; and as if the same
 were the only Transactions that had been on this
 subject between *Great Britain* and *France*. And to
 this end, the private Treaty, sign'd as aforesaid by
 the Earl of *Dartmouth* and Mr *St. John* on the part
 of *England*, and by the said Sieur *Mesnager* on the
 part of *France*, was by the evil Advice and Contri-
 vance of him the said *Robert, &c.* and others, wil-
 fully and industriously conceal'd not only from all
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the Allies, but even from her Majesty's Council and her Parliament. And he did further advise her Majesty not only to accept the said General Preliminaries, but in her Name and by her Authority to communicate the same to the States-General, as a sufficient Foundation whereupon to open the Conference of Peace with *France*. And the more effectually to cover from the States-General the pernicious Steps which his evil Influence had engag'd her Majesty in with the common Enemy ; certain Instructions were prepar'd, and, by his Counsel and Advice, were sign'd by her Majesty, and delivered to the Earl of *Strafford*, her Ambassador to the States-General : Wherein *the said Earl of Strafford is directed to represent to the Pensionary of Holland, and to such others as shall be appointed to confer with him, that when her Majesty had received, in May last, by his Excellency's Dispatches, an Account of the Sense which those among them, who were at that time in the Secret, had of the Overtures made by France for setting a General Negotiation of Peace again on foot, and of the Answer which it was desir'd might be return'd to the Propositions signed by Monsieur de Torcy ; her Majesty did immediately acquaint the Enemy, that their Offers were thought by her and by the States-General neither particular nor full enough ; and therefore that her Majesty did insist, that they should form a distinct Project of such a Peace as they were willing to conclude.* Whereas no such Instances had been made to the Enemy on her Majesty's Behalf ; but on the contrary, notwithstanding her Majesty had declar'd that *the Propositions of Monsieur de Torcy were thought by her and the States-General neither particular nor full enough, yet without any further Explication from the Enemy, her Majesty was prevail'd on, in manner aforesaid, to send over Propositions to France as general and*

insuaring

ensnaring, and in all respects as destructive to the Interests of Great Britain and her Allies, as the Propositions of Monsieur de Torcy. And the said General Preliminaries, communicated to the States in manner aforesaid, were calculated only to amuse and deceive them into a General Negotiation with France. And in the Particulars abovesaid, as well as in the several others, the said Instructions contain'd Matters either false or grossly prevaricating and evasive. By which most wicked Counsels of him the said Robert, &c. that unquestionable Truth and Sacredness which by the Laws of Nations ought to accompany and constitute the Instructions of publick Ambassadors to Princes in Friendship and Confederacy against the common Enemy, was most vilely prostituted, to the most dangerous Purposes, to deceive and mis-lead her Majesty's good Allies in Matters of the greatest Importance to their own Interests and the Interests of these Kingdoms; the Honour of her Majesty's Sacred Person, and of the Imperial Crown of these Realms, which had been raised to the highest Pitch of Glory abroad, and had been justly held in Veneration with her good Allies, was scandalously debased and betrayed; and the Royal Hand, by the wicked Arts of him the said Robert, &c. was made the Instrument to advance the Interest of the common Enemy.

A R T I C L E IV.

That whereas the Earl of *Strafford*, pursuant to his said Instructions, had communicated the Preliminaries signed by Monsieur *Masnager* only to the States-General, who *being justly alarm'd at the pressing Instances made on the part of her Majesty, that Conferences should be opened on Propositions as general and*

uncertain as those so lately offered by France, and signed by Monsieur de Torcy; and their High Mightinesses having been unsuccessful in the Remonstrances to the Earl of Strafford against opening the Conferences upon the said Propositions, did send over Monsieur Buys their Ambassador to represent to her Majesty, as well the Hazard of meeting the Ministers of France before the essential Articles were first settled by special Preliminaries, or at least explained by France, and made Specifick; as likewise the Advantages to the Enemy, who being but one Body, were influenced by one Council, and directed by one Power; whereas the Confederates consisted of several Powers, whose Interests are not only distinct, but in many Cases contrary to each other, whereby the French would have a fair Opportunity to divide the Allies, when it would be impossible for them to break in upon France; and further to represent, that the Propositions themselves were in some Instances very prejudicial, particularly in the Articles of Commerce, Dunkirk, and the Union of the Crowns of France and Spain. All which Representations of the said Monsieur Buys, by the evil Influence of him the said Robert, &c. and others, were rendered ineffectual; but in order to prevail upon the States-General to open the Conferences upon the said general Preliminaries, by the Management and Contrivance of him the said Robert, &c. and others, an Occasion was taken to declare to Monsieur Buys, at a Committee of Council in her Majesty's Name, Her constant Affection and good Disposition to their State, and to the promoting their Interest, and to treat with their High Mightinesses with a perfect Confidence and Harmony: And at the same time he the said Robert, &c. did then falsely and maliciously declare, or was privy to advising and consenting that it should be, and so it was declared, in
her

her Majesty's Name, that she had made no separate Treaty with *France*, nor would ever make any before she had fully complied with all Engagements to her Allies, and that each of them should have Opportunity to make good their Pretensions.

By which false, scandalous, and dishonourable Assurances, he the said *Robert*, &c. did not only highly dishonour her Majesty, by whose Privy the said separate Treaty with *France* had been before that Time concluded and signed; but their High Mighnesses, the Good Friends and ancient Allies of her Majesty, were grossly abused, and thereby induced to enter into a Negotiation with *France*, so dangerous in it self, and so fatal in its Consequences.

A R T I C L E V.

That her Sacred Majesty Queen *Anne* having in due Form of Law, and under her Great Seal, constituted the Right Reverend *John* Lord Bishop of *Bristol*, and the Earl of *Strafford*, her Plenipotentiaries, with full Powers to meet, treat, and conclude with the plenipotentiaries of the Confederates, and those whom the *French* King shall on his part depute for that purpose, the Conditions of a good and general Peace, that shall be safe, honourable, and, as far as is possible, agreeable to the reasonable Demands of all parties; he the said *Robert*, &c. not contenting himself to abuse the Royal Authority, to the Delusion of the States-General, the nearest Allies of the Queen, but intending the Universal Prejudice of his Imperial Majesty, and all the Allies of these Kingdoms, and thereby the more successfully to carry on the Measures of *France* wherein he was then engaged, contrived and prepared Instructions, or was privy to contriving and advising the same, for her Majesty's said

Plenipotentiaries, which she was prevailed upon by the said *Robert*, &c. his evil Counsel to sign, and the same were delivered to the said Plenipotentiaries; wherein among other things they are instructed to the effect following, *viz.* If it shall be thought proper to begin with the Disposition of the *Spanish* Monarchy, you are to insist that the Security and reasonable Satisfaction which the Allies expect, and which his most Christian Majesty has promised, cannot be obtained, if *Spain* and the *West-Indies* be allotted to any Branch of the House of *Bourbon*: Whereas the said *Robert*, &c. had at that time privately and treacherously negotiated and agreed with the Ministers of *France*, That *Spain* and the *West-Indies* should remain in a Branch of the House of *Bourbon*, and had prevailed on her Sacred Majesty to be Party to the said private Treaty, wherein the same is necessarily implied. And the said Plenipotentiaries are further instructed, in case the Enemy should object as the Imperial Ministers had done, that the second Article of the seven signed by the *Sieur Mesnager* implies, that the Duke of *Anjou* shall continue on the Throne of *Spain*; you are to insist, that those Articles, as far as they extend, are indeed binding to *France*, but that they lay neither us nor our Allies under any positive Obligation: whereby the said *Robert*, &c. basely entered into a Confederacy and Conclusion even with the Ministers of the Enemy, and prevailed on her Majesty to give her Royal Consent thereto, the more effectually to impose on his Imperial Majesty and all the Allies, and to conceal the said secret Negotiations, and the separate Treaty that had been agreed on between *Great Britain* and *France*. And the said *Robert*, &c. not only in the Particulars before-mentioned, but in many others contained in the said Instructions, has brought a lasting

Reproach

Reproach on the Crown of these Realms, and grossly violated the many Treaties wherein her Sacred Majesty was then engaged to her Allies, to act in perfect concert with them throughout the Negotiations of Peace.

A R T I C L E VI.

That the Conferences of Peace being opened between the Plenipotentiaries of the Allies, and those of the Enemy, for the negotiating a General Peace upon the mutual and most solemn Engagements amongst the Allies, not only to act in perfect Confidence with each other, but to promote their common Interest, and to obtain from the Enemy all just and reasonable Satisfaction; and a specifick Explanation of the General Preliminaries having been given in by the Enemy at *Utretcht*, whereon the Allies delivered their respective Demands; by the Artifices of *France*, and the secret Encouragement and Concurrence of the Ministers of *Great Britain*, the progress of the said publick Negotiation was delayed and kept in suspense, under pretence of the Enemy's refusing to give their Answer in Writing: during which time, *he the said Robert, &c.* again assuming to himself Regal Power in Derogation of the Royal Authority, to treat of Peace with *France*, which was then delegated under the Great Seal of *Great Britain* to her Majesty's Plenipotentiaries at *Utretcht*, and for the promoting the Designs of the Enemy, to the apparent Destruction of the common Cause of her Majesty and her Allies, contrary to the known Laws and Constitution of this Kingdom, in direct Violation of the several Alliances her Majesty then stood engaged in, and in Opposition to the many Assurances given by her Majesty to act in Concert with her Allies, and in Defi-

ance of the exprefs Instructions given to her faid Plenipotentiaries, was not only wanting in his Duty to her Majesty, as far as in him lay to have put an end to, and prevented any further private and unlawful Negotiations with *France*, but did, with other his Accomplices, advise, concur, continue, and promote a private, separate, and unjustifiable Negotiation of Peace with *France*, directly from *England* to *France*, without any Communication thereof to the Allies; and in fuch private Negotiations *did concern with the Ministers of the Enemy Terms of Peace highly prejudicial to the Interest of her Majesty and her Kingdoms*, and of all her Allies, and whereby the good Effects of the faid General Negotiations were entirely defeated.

A R T I C L E VII.

That her Sacred Majesty Queen *Anne* having been prevailed on by the false Counfels of him the faid *Robert*, &c. to accept of a Treaty with *France*, on the Supposition that the *Spanish* Monarchy fhould continue in the Poffeffion of a Branch of the Houfe of *Bourbon*; and it being acknowledged even by the *French* King in the general Preliminaries figned by Monsieur *Mefnager*, that the Excefs of Power from the Re-union of the Crowns of *France* and *Spain* would be contrary to the Good and General Repofe of *Europe*: *He the faid Robert, &c. having nothing fo much in view as the aggrandizing the common Enemy, yet always intending to cover the Iniquity of his Heart under fpecious Pretences and false Appearances, did wickedly and treacheroufly advise and carry on a private and feparate Negotiation with France, on the Subject of a Renunciation of his Right to the Kingdom of France by the Duke of Anjou, and that fuch Renun-*
ciation

ciation should be the Security against the Re-union of the two Kingdoms. And by the Influence of his evil Counsels her Majesty was prevailed on to accept and finally to conclude and ratify a Treaty of Peace with France, wherein the said Renunciation is taken as a sufficient Expedient to prevent the Mischiefs that threaten'd all Europe, in case the Crowns of France and Spain should be united upon the Head of one and the same Person; although he the said Robert, &c, well knew, that a Memorial had been, during the said Separate Negotiation, transmitted by Monsieur de Torcy, Secretary of State and Minister to the French King, to one of her Majesty's Principal Secretaries of State; whereby it was declared, that the said Renunciation would be null and invalid by the Fundamental Laws of France, which Laws were looked upon as the Work of him who had established all Monarchies, and which he only could abolish; and that no Renunciation therefore could destroy it: and if the King of Spain should renounce, they would deceive themselves that should receive it as a sufficient Expedient to prevent the Mischiefs proposed to be avoided. By which false and treacherous Counsels, he the said Robert, &c. did not only betray the Interests of the common Cause into the Hand of the most formidable Enemy, but wilfully and maliciously abused the Power and Influence which he had obtained with her Majesty, so far as to engage her sacred Majesty, and the Honour of the Imperial Crown of these Kingdoms, to become Party with France in so fatal a Deceit,

ARTICLE.

ARTICLE VIII.

That her late Majesty Queen *Anne* having on the Seventh Day of *December*, in the Year of our Lord 1711, earnestly recommended it from the Throne, that Provision might be made for an early Campaign, in order to carry on the War with Vigour, and as the best Way to render the Treaty of Peace effectual ; in order to which *vast Supplies were granted, and Magazines provided at a great Expence for an early Campaign ;* and in pursuance thereof, her Majesty having sent her Generals, *Lumley and Cadogan*, to give early Assurances to her Allies of her sincere Intentions, and likewise expressly instructed her General, the Duke of *Ormond*, not only to renew the same Assurances, and declare her Resolutions of pushing on the War with the utmost Vigour, but to concert with the Generals of the Allies the proper Measures for entering on Action ; and the *Confederate Army, which at that time was the finest and strongest that had been in the Service during the whole Course of the War, and provided with all Necessaries to act with Vigour, having march'd according to the Resolution taken in concert with her Majesty's General, almost up to the Enemy, with a great Superiority both as to the Number and Goodness of Troops, and animated with a noble Courage and Zeal to acquit themselves bravely ; so that in all human Appearance, and with the Divine Assistance, which had appeared so visibly for them on many other Occasions, they would have been able either by Battle or Siege, to have gained great Advantages over the Enemy, to have bettered the Affairs of the Allies, and to have facilitated the Negotiations of Peace : And the Ministers of France having frequently*

quently and earnestly represented to the said Robert, &c. and others his Accomplices, during their secret Negotiations, their just Apprehensions from the Bravery and good Disposition of the Confederate Army; he the said Robert, &c. being truly informed of the sure prospect which, by the Blessing of God, the Army of the Confederates then had, of gaining new Conquests over the Army of France, and whereby they would have been enabled to have forced Terms of Peace, Safe, Honourable, and Lasting: In order to disappoint those comfortable Expectations of the Allies, and to give Success to his Secret Negotiations with the Ministers of France, was privy to, consenting and advising, together with other false and evil Counsellors, and together with them did advise and consent that an Order should be sent in her Majesty's Name, to the Duke of Ormond in Flanders, to avoid engaging in any Siege, or hazarding a Battle, till further Orders; although nothing had then been settled in the said private Negotiations for the Interest and Security of Great Britain, and altho' Philip King of Spain at that time had not consented to the Renunciation of his Right to the Crown of France. And not contenting himself with having obtained that fatal Step, so highly advantageous to the Cause of France, but being wickedly determined to do all that in him lay to dissolve the whole Confederacy, he the said Robert, &c. with others, was privy to, and did consent and advise, that Orders should be sent to the Bishop of Bristol, one of her Majesty's Plenipotentiaries then at *Utrecht*, to take the first solemn Opportunity to declare to the Dutch Ministers, that her Majesty look'd on herself from their Conduct to be then under no Obligation whatsoever to them: which two Declarations giving just Alarms to all
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the Allies, they represented to the Bishop of *Bristol* their general Dissatisfaction, and the unexpressible Consternation they were all in ; that these Proceedings were the unavoidable Ruin of *Europe* : they urged Religion, Liberty, and the Faith of Treaties, to shew the Enormity of this Usage ; and the States expressed their Uneasiness on no account so much, as that they could not come to the Knowledge of their own Lot. Which Representations the Bishop of *Bristol* did, at the Instance of the Allies, signify to one of her Majesty's Principal Secretaries of State ; but their High Mightinesses finding that all Applications to the Ministers of *Great Britain*, and in particular to the said *Robert*, &c. were of no avail against *France*, and for the Interest of the Common Cause, thought it necessary, in a manner the most moving and respectful, to address directly to her Majesty by a Letter of the Fifth of *June*, 1712, therein expressing their great Surprise and Affliction at the two Declarations afore-mentioned ; and finding it difficult to conceive how such Declarations, so prejudicial to the Common Cause, given so suddenly without their Knowledge, and undoubtedly too without the Knowledge of the other Allies, could agree and consist with the Nature of an Alliance, and with those Assurances and Engagements her Majesty had so lately made, and not knowing how to reconcile it with the great Goodness and Kindness which her Majesty had always honoured them with, and not being able to conceive how such a sudden Change could happen with respect to them, having carefully examined their own Conduct, and finding nothing therein that could have given Ground to her Majesty's Dissatisfaction ; and having represented the visible
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and immediate fatal Consequences of the said two Orders, not only to the Common Interest of her Majesty and the States, but to the Whole Confederacy and to the Protestant Religion; they beseeched her Majesty, with all the Respect, and all the Earnestness they were capable of, that she would not persist in the Declarations made by the Bishop of *Bristol*, and would be pleased to revoke the Orders given to the Duke of *Ormond*, and would authorize him to act according to Occurrences, and as the Exigency of the War, and the Advancement of the Common Cause should require. Notwithstanding which, he the said *Robert*, &c. being acquainted with the said Representations of the States, was not only wanting in his Duty to her Majesty, and to his Oath, and the great Trust reposed in him, in not advising, as he ought to have done, her Sacred Majesty to have hearkened to the said several Instances made to her; but persisting in his desperate and destructive Measures, for the Advancement of the Interest of the *Common Enemy*, did afterwards advise her Majesty to disregard and reject the same, and did countenance, encourage, advise, promote the said private, separate, and wicked Negotiations with *France*, without any Participation of the Allies, contrary to all her Majesty's Engagements, and to the apparent Ruin of the common Cause. By which several wicked and perfidious Counsels, the Progress of the victorious Arms of the Confederates was stopped; and an Opportunity lost for conquering the Enemy, the most favourable, in the Opinion of all the General Officers and the Quarter-Masters of the Allies, who were sent out to view the *French* Camp, and whereby all hopes of Confidence between her Majesty and her Allies were entirely destroyed, and the *French* King

made

made absolute Master of the Negotiations of Peace, and the Affairs of Europe given into his Hands.

ARTICLE IX.

That to impose upon the Allies the fatal Necessity of submitting to the Terms of *France*, and in Order thereto to leave the whole Confederate Army at the mercy of the common Enemy, he the said *Robert, &c.* was privy and consenting to a secret and separate Concert with the Ministers of *France*, without the Knowledge of the Allies, for the separating the Troops in her Majesty's Pay from the Rest of the Confederate Army: for the effecting whereof, instead of preventing as far as in him lay so fatal a Step, he was not only wanting to advise against so unwarrantable a Proceeding, but did consent to and advise her Majesty, that the Duke of *Ormond*, and all the Troops then in her Majesty's Pay, or such of them as would obey his Orders should separate themselves from the Army of the Confederates: and having notice that the Generals of the Auxiliaries, paid by her Majesty, whose Honour and Consciences would not permit them to abandon the Confederates, and leave them as a Sacrifice to *France*, but for the Sake of the common Interest of *Europe*, and according to the true End and Design of their Conventions, did refuse to withdraw with the Duke of *Ormond*, without particular Orders from their respective Masters; he the said *Robert, &c.* being then Lord High-Treasurer of *Great Britain*, and one of her Majesty's most Honourable Privy Council, in violation of his Oath, and the Duty and Trust reposed in him, did take upon himself an Arbitrary and Illegal Power, to refuse and put a Stop to the Pay and Subsidies due on account of the said foreign Troops, altho'

altho' they were intitled thereto by the Conventions entered into with her Sacred Majesty, and by express Provision made by Act of Parliament for the Payment of the same. By which fatal Separation, which pursuant to his evil Counsels was afterwards made, great Numbers of the Confederate Troops, who had before, on many occasions signaliz'd themselves in the Defence of the Cause of *Europe*, soon afterwards, at the unfortunate Action of *Denain*, fell as Sacrifices to the Fury and Revenge of *France*; the Siege of *Landrecy* was raised, the important Towns and Fortresses of *Quesnoy*, *Bouchain*, and *Douay* were retaken by the *French Army*; and not only the Fortune of the War, but the Fate of *Europe* decided in favour of *France*.

ARTICLE X.

That in further execution of his pernicious Designs, to compleat the Destruction of the common Cause of Europe, and to render it impracticable for her Majesty to resume the War against France, in conjunction with her Allies, or to recover the Union with her Majesty's old and faithful Allies, so necessary to the Preservation of these Kingdoms; he the said Robert, &c. then Lord High Treasurer of Great Britain, did carry on and concert with the Ministers of France, a private and separate Negotiation for a General Suspension by Sea and Land, between Great Britain and France; and to that end, among others, did advise her Majesty to send over Henry Viscount Bolingbroke, one of her Principal Secretaries of States, to the Court of France, with Powers to settle the said Suspension. In pursuance of which, a destructive Treaty of Suspension was made in France on the nineteenth of August, N. S. 1712, by the said Henry Viscount Bolingbroke, on the
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part of her said Majesty, for four Months, without knowledge or any participation of the Allies, and *before any Terms of Peace were settled with the Enemy*, either for *Great Britain* or the Allies. By which evil Counsels, the express Terms of several of the aforementioned Treaties were expressly contravened and broken, the good Friends and antient Allies of her Majesty and these Kingdoms were totally deprived of the just Assistance to which they were thereby entitled, and were left exposed to the Insults of the common Enemy; and the sacred Ties of Union and Friendship between her Majesty and her Allies being cut asunder, her Majesty's Person and Government, the Safety of her Kingdoms, and of the Protestant Succession to the Crown of these Realms, were left expos'd to the Enterprizes of her most formidable Enemy.

A R T I C L E XI.

That whereas the States-General of the *United-Provinces* were, in or about the Months of *September* or *October*, in the Year of our Lord 1712, in possession of the strong and important Town and Fortrefs of *Tournay*: And whereas the *French King* had, during the Course of the said private, separate, and traiterous Negotiation between him and the said *Robert*, &c. and others, and the Minsters of *France*, signified his Consent to the Ministers of *Great Britain*, that the said Town and Fortrefs of *Tournay* should remain to the said States-General as part of their Barrier: And whereas her Majesty, in her Instruction of *December* the 23^d. 1711, to her Plenipotentiaries at *Utretcht*, had expressly directed them to insist with the Plenipotentiaries of *France*, in the General Congress, That towards forming a sufficient Barrier

Barrier for the States-General, *Tournay* should remain to their High Mightinesses ; and did afterwards declare herself conformable thereunto, in her Speech to both Houses of Parliament, on the Sixth of *June*, 1712, in which she communicated to them the Terms whereon a Peace might be made. And whereas for several Years before, and 'till the said Months of *September* and *October*, in the Year of our Lord 1711, there was open War between her late Majesty and the *French* King ; and the said War continuing for all the said time, and afterwards, the said *French* King and his Subjects were Enemies to her Majesty : He the said *Robert*, &c. then Lord High Treasurer of *Great Britain*, and a Subject of her Majesty's, not considering the Duty of his Allegiance, but having altogether withdrawn the cordial Love, and true and due Obedience, which every true and faithful Subject owed to her said Majesty, and designing to give Aid and Succour, and to adhere to the said *French* King, did in or about the Months of *September* or *October*, 1712, during the said War, falsely, maliciously, wickedly, and traitorously aid, help, and assist, and adhere to the *French* King, then an Enemy to her late Majesty ; and in Execution and Performance of his said aiding, assisting, and adhering maliciously, falsely, and traitorously did counsel and advise the said Enemy, in what manner and by what Methods the said important Town and Fortress of *Tournay*, then in the Possession of the States-General, might be gained from them to the *French* King, contrary to the Duty of his Allegiance, and the Laws and Statutes of this Realm.

ARTICLE XII.

That whereas her late Majesty Queen *Anne*, not only in pursuance of the Treaties she stood engaged in

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to her good Allies, and in particular to his Imperial Majesty, for the Recovery of the Monarchy of Spain to the House of *Austria*, thereby to preserve a due Balance of Power in *Europe*, but also from her just Resentment against the Duke of *Anjou*, who then stiled himself King of *Spain*, and who, in Defiance of her Majesty's Title to the Crown, acknowledged the Pretender as King of *Great Britain*; and on these just Foundations her Majesty had, in vindication of the Honour of the Crown, and in justice to her People, at a vast Expence of Blood and Treasure, and on the earnest and repeated Advices of her Parliament, prosecuted a vigorous War against the Duke of *Anjou*: And whereas, in the Years of our Lord 1710, 1711, and 1712, the said open, bloody, and expensive War was carried on between her said late Majesty Queen Anne, and the said Duke of Anjou, and during all the time aforesaid the said War did continue, and for all that time the said Duke of Anjou, and the Subjects of Spain adhering to him, were Enemies of her late Majesty: He the said Robert, &c. then Lord High-Treasurer of Great Britain, and one of her Majesty's Privy-Council, and a Subject of her said Majesty, not considering the Duty of his Allegiance, but having withdrawn his true Obedience from her said late Majesty, did at several times, in the said Years of our Lord 1710, 1711, and 1712, falsely, maliciously, wickedly, and traiterously, aid, help, assist, and adhere to the said Duke of Anjou, then an Enemy to her said late Majesty; and in the Execution and Performance of his said aiding, helping, assisting and adhering, and in Confederacy and Combination with the then Enemies of her late Majesty, and with divers other wicked and evil disposed Persons, did, at several times, in the Years aforesaid, advise and counsel the Enemies of her late Majesty; and in such counselling
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and advising, did concert with them, and did promote the yielding and giving up Spain and the West-Indies, or some part thereof, to the said Duke of Anjou, then in Enmity with her Majesty, against the Duty of his Allegiance, and the Laws and Statutes of this Realm.

A R T I C L E XIII.

That whereas the *Riches, Power, and Strength* of these Kingdoms depend entirely on the flourishing Condition of Trade and Navigation, and her late Majesty Queen Anne having due Regard thereto; as well as to the just Expectations of her People, after the vast Expences they had so chearfully undergone in Support of the War, did on the first Opening the Conferences for a General Peace, declare from the Throne to both Houses of Parliament, on the Seventh of December, 1711, That she would endeavour, that after a War, which had cost so much Blood and Treasure; the Nation might find their Interest in Trade and Commerce improved and enlarged by a Peace: And on the Sixth of June, 1712, when she was pleased to communicate the Terms on which a General Peace might be made, did declare, that nothing had mov'd her Majesty from steddily pursuing the true Interest of her own Kingdoms; and that the Terms of Peace obtained for her own Subjects were such, as she had Reason to expect would make her People some Amends for the great and unequal Burden which they had lain under thro' the whole Course of the War, and hoped that none of the Confederates would envy her Share in the Glory and Advantage of the Peace; and afterwards declared to both Houses of Parliament her Satisfaction in the near View she had of a Peace, since it would, in

some measure, recompense her Subjects for their vast Expence: And after the Conclusion of the Treaty of Peace and Commerce with *France*, did declare from the Throne, on the Ninth of *April*, 1713, That the many Advantages she had obtained for her Subjects had occasioned much Opposition and long Delays to the Peace; but it afforded her great Satisfaction, that her People will have it in their Power, by Degrees, to repair what they had suffered during so long and burthensome a War. Whereupon both Houses of Parliament did from time to time express their grateful Acknowledgments to her Majesty for her great Care and Concern for the Welfare of her People. And whereas at the setting on Foot, and the Progress of the said private, separate, and pernicious Negotiations between the Ministers of *Great Britain* and *France*, it was laid down as a Principle, on the part of *Great Britain*, never to be departed from, That *France* should consent to adjust the Interests of *Great Britain* in the first place, that the Ministers of *Great Britain* might thereby be enabled to engage the Queen to make the Conclusion of the General Peace easy to *France*; and on this plausible Petence it was insisted on by the Ministers of *Great Britain*, to remit the Discussion of the particular Interests of the Allies to General Conferences; and throughout the whole Course of the said separate Negotiation, all imaginable Concessions were not only made by the Ministers of *Great Britain*, for the real Advantage of the Interests of *France* against the Allies, but all Measures were enter'd into and concerted between them, that even the Ministers of *France* could dictate, in order to strengthen their hands, and to enable them to impose the Terms of a General Peace: *He the said Robert, &c. having nothing in view, thro'*
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the whole Course of the said Negotiation, wherein he was wickedly and principally engaged in Concert with France, but the final Destruction of his Country; and to that end the sacrificing the Commerce of Great Britain to the Aggrandisement of France, was not only wanting in his Duty to her Majesty, in not insisting on in all Events, and not procuring, in the first place, the most certain and strict Securities imaginable for the Safety and Advantage of the Commerce of these Kingdoms; but did advise her late Majesty, that in the Proposition sent, by his Privy and Advice, by Mr Prior to France, and also in the said private and separate Treaty, signed on the 27th of September, 1711, wherein the Preliminary Demands for Great Britain more particularly were intended to be adjusted with France, the Demands for Great Britain, in point of Commerce, should not only be made in loose, general, and insufficient Terms, but that the Liberty of Fishing, and Drying of Fish on Newfoundland should be expressly given up to France, tho' the Restitution of that small part of the Island, which France had taken during the War, was therein referred to be discuss'd to General Conferences. And having, by his wicked Artifices, engaged her Majesty in the said private Treaty with France, without any Security for the Commerce of Great Britain, he did artfully and cunningly contrive with the Ministers of France to keep in Suspence all Matters that concerned the Commerce of Great Britain, until by means of his wicked and pernicious Counsels aforementioned, France was become Master of the Negotiations, and the chief Advantages for the Commerce of Great Britain by that means remaining unsettled: And the Ministers of France afterwards disputing the most essential Articles which had been in agitation, and in particular that fundamental Principle of treating and being treated as Gens Amicissima, and endeavouring to elude what had been agreed on in the

said private and separate Negotiation, for the supposed Advantage of Great Britain; he the said Robert, &c. under pretence of removing a Difficulty then depending, by an Expedient advantageous to Great Britain, did treacherously advise the ninth Article of the Treaty of Commerce with France, a Bill for the rendering whereof effectual was afterwards rejected by the House of Commons, as highly prejudicial and destructive to the Commerce of these Kingdoms: But yet for the sake of gaining that destructive Article for Great Britain, as if the same had been advantageous, he the said Robert, &c. in defiance of the exprefs provision of an Act of Parliament, as well as in contempt of the frequent and earnest Representations of the Merchants of Great Britain, and of the Commissioners for Trade and Plantations, did advise her Majesty finally to agree with France, That the Subjects of France should have liberty of Fishing and drying of Fish in Newfoundland; and did also advise her Majesty to make a Cession to France of the Isle of Cape Breton, with liberty to fortify the same, altho' the Isle of Cape Breton was part of the antient Territories of the Crown of Great Britain; and her Majesty had declared from the Throne, that France had consented to make an absolute Cession of Nova Scotia or Acadia, whereof Cape Breton is part, to her Majesty. And the said Robert, &c. intending in all Events to secure to France the Advantages relating to the Fishery of Newfoundland and to Cape Breton, did, in conjunction with the Ministers of France, advise her Majesty to consent, that the same should be made an Article in the Treaty of Peace between Great Britain and France: whereas the only Advantages in Trade, pretended to be stipulated for Great Britain, being inserted in the Treaty of Commerce, were to depend on certain Conditions, to be made good by Act of Parliament; and pursuant to, and by the influence

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of the said evil Counsel of him the said Robert, &c. her sacred Majesty was advised to ratify the said Article in the said Treaty of Peace and the said Treaty of Commerce. By means of which pernicious Counsels, the good intention of her sacred Majesty, to have obtained for her People advantageous Terms of Commerce, were entirely frustrated, the Trade and Manufactures of Great Britain, as far as in him lay, rendered precarious, and at the mercy of the Enemy, and that beneficial Branch of Trade, always esteemed the great Support of the Naval Power, and the chief Nursery of the Seamen of Great Britain, yielded up to the Subjects of France : and the only Pretence for the avowed and notorious Violation of Treaties, and the carrying on the Measures of France, viz. the adjusting first the Interests of Great Britain, thro' the whole Course of the said private and separate Negotiations, terminated at last in the Sacrifice of the Commerce of Great Britain to France, without the least shadow of Advantage in Trade procured for these Kingdoms.

A R T I C L E XIV,

That he the said Robert, &c. did, in concert with other evil and false Counsellors, even without any Application from his Royal Highness the Duke of Savoy, and after the French King had in the Course of the said private and separate Negotiations, consented that the Kingdom of Sicily should remain to the House of Austria, from a Project and Design to dispose of the Kingdom of Sicily to the Duke of Savoy from the House of Austria : And to effect that his unjust, dishonourable, and pernicious Project, he did advise her Majesty to give Instructions, among other Things, to Henry Viscount Bolingbroke, then appointed her Ambassador to France, to demand in her Majesty's Name, of the

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French King, the Kingdom of Sicily for his said Royal Highness. And a Treaty of Peace being afterwards made between the French King, his Royal Highness, and the Duke of Anjou, wherein a Cession is made to his Royal Highness of the Kingdom of Sicily, without any Concurrence or Participation of his Imperial Majesty; he the said Robert, &c. did basely and scandalously advise her Sacred Majesty to consent to the same, by an Article inserted in the Treaty of Peace between her Majesty and the French King. And afterwards, by his Privy and Advice, her Majesty was prevailed on to assist his Royal Highness against the Emperor then in Alliance with her Majesty, with a part of her Royal Fleet at her own Expence, in order to put him in possession of the said Kingdom of Sicily. Whereby the greatest Injustice was done to his Imperial Majesty, in direct Violation of the Grand Alliance, and contrary to her Majesty's frequent Declarations from the Throne, and her plain and full Instructions to her Plenipotentiaries at Utrecht, for obtaining his just and reasonable Satisfaction; and whereby National Faith, and the Honour of the Crown, was vilely betray'd, and the Naval Power of these Kingdoms, and the Supplies granted by Parliament for reducing the Common Enemy, were perfidiously employ'd against the Great and Faithful Ally of this Kingdom.

ARTICLE XV.

That whereas the Dignity and Support of the Imperial Crown of these Realms has in all Ages greatly depended on the Wisdom and Truth of the Communications made from the Throne, especially in Parliament, as the sure and only means whereby the Kings and Queens of this Realm can receive the sincere and faithful Advice of their People in mat-
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ers of the highest Importance, and which by the Fundamental Laws and Constitution of this Government ought to be inviolably observ'd as the Sacred Band of the Duty and Affection of Subjects to their Sovereign. And whereas by the most antient and known Laws of this Kingdom it is indispensably incumbent on the Great Officers of State that surround the Throne, to maintain as far as in them lies the sacredness of the Royal Word on all occasions ; it being most apparent that the greatest Dishonour to the Throne, and the greatest Danger to these Kingdoms, must inevitably ensue, whenever that Fountain of Truth by wicked Counsels shall be in any degree corrupted, and thereby lose its just Influence and necessary Authority. And whereas the Power of making Peace and War, one of the antient, undoubted, and most important Prerogatives of the Crown, has been always exercis'd by the Sovereigns of these Realms, with the strictest Regard to the Honour of the Crown and the Welfare of the People, and for that end they have in great Wisdom in all Ages taken the Advice of Parliament on such weighty Occasions. And whereas her late Majesty Queen *Anne* declar'd from the Throne her gracious Intentions to communicate the Terms of Peace to her Parliament, for their deliberate and serious Advice therein, wisely foreseeing that the Safety of her Person and Government, of the Protestant Succession to the Crown, which she had nearest her Heart, and of the Protestant Religion, and of the Liberties of *Europe*, did inevitably depend on the happy Conclusion of the said Negotiations : He the said *Robert*, &c. then Lord High-Treasurer of *Great Britain*, having taken on himself throughout the said Negotiations a most Arbitrary and Unwarrantable Authority, and the chief Direction and In-

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fluence in her Majesty's Councils; and most wickedly designing to prostitute the Honour of the Crown, and the Dignity of Parliaments, and not only totally to deprive her Majesty of the wholesom and necessary Advice of her Parliament in so great a Conjunction, but by misrepresenting the most essential Parts of the Negotiations of Peace, to obtain the Sanction of Parliament to his traiterous Proceedings, and thereby fatally to decieve her Majesty, her Allies, her Parliament, and her People; he the said *Robert*, &c. was not only wanting in the Discharge of that Duty to his Sovereign which became his high Station, by not advising against, and as far as in him lay in all Events by not preventing even any Intimation from the Throne to the Parliament, which was not conformable to the exactest Truth and Impartiality; but *taking advantage of his ready Access to her Majesty, and his exorbitant Influence in her Councils, did prepare, form, and concert, together with other false and evil Counsellors, several Speeches and Declarations to be made by her Majesty from the Throne to her Parliament, on the Subject of the said Negotiations of Peace, and did advise her Majesty to make the same to her Parliament: And particularly, by means of his false and evil Counsels, her Majesty did, amongst other things, on the seventh of December, 1711, declare from the Throne in the words, or to the effect following: "That notwithstanding the Arts of those who delight in War, both Place and Time are appointed for opening the Treaty of a General Peace. Our Allies, especially the States-General, whose Interest I look upon as inseparable from my own, have by their ready Concurrence express'd their Confidence in me."* Whereas it was then notorious to all *Europe*, and the said

said *Robert*, &c. and others his Accomplices, well
 knew, that the principal Allies of her Majesty, and
 particularly the States-General, then had in the
 strongest and most pressing manner represented
 not only to her Majesty's Ministers in *Holland*, but
 afterwards by a Minister of their own directly
 to her Majesty, the Insecurity and Danger to
 the Common Cause, by entering into general Ne-
 gotiations with *France* on the Propositions sign'd
 by Monsieur *Mefnager* ; and also their firm O-
 pinion of the fatal Consequences that might ensue
 thereon : and altho' they had still great Apprehen-
 sions concerning the Method of opening the Con-
 ferences, and the Consequences that might happen
 thereupon ; yet being wrought on by the Menaces
 and other extraordinary Methods used with them
 by her Majesty's Ministers, and relying on the
 solemn Assurances and Declarations of her Ma-
 jesty to support the Interest and Concern of their
 State, and to act in perfect Confidence and Har-
 mony with them ; they did at last, with the
 greatest Reluctance, consent to enter upon a Ge-
 neral Negotiation of Peace with *France*. And
 in the same Speech her Majesty was prevail'd on
 by the evil Counsels of him the said *Robert*, &c.
 and others, to declare in the words, or to the
 effect following : " That the Princes and States which
 " have been engag'd with us in this War, being by
 " Treaties entitl'd to have their several Interests se-
 " cur'd at a Peace, I will not only do my uttermost
 " to procure every one of them all reasonable Satis-
 " faction, but I shall also unite with them in the
 " strictest Engagements for continuing the Alliance,
 " in order to render the General Peace secure and
 " lasting." And in her Message of the seventeenth
 of *January* following, her Majesty again expresses
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the Care she intended to take of all her Allies, and the strict Union in which she propos'd to join with them. Whereas by the evil Influence of him the said *Robert*, &c. her Majesty was not only induced to enter into a private Negotiation with *France*, exclusive of her Allies ; but the same was in like manner carry'd on by him the said *Robert*, &c. and others. And the several Interests which the Allies were intitled to by their Treaties, were not only not secur'd to them by the Peace, nor any reasonable Satisfaction given to them ; but the main Interests of her principal Allies, especially of his Imperial Majesty, were by the wicked Practices of him the said *Robert*, &c. and others, given up to *France* ; and no Engagements were obtain'd for continuing the Alliance, in order to render the general Peace secure and lasting. And her Majesty having on many former Occasions express'd her Resolutions never to make Peace with *France* and *Spain*, so long as *Spain* and the *West-Indies* remain'd in the House of *Bourbon* ; she was prevail'd upon by the Advice of him the said *Robert*, &c. and others, to declare her self, in answer to an Address of the House of Peers, the eleventh of *December*, 1711, to the effect following ; viz. *I should be sorry any one could think I would not do my utmost to recover Spain and the Indies from the House of Bourbon.* Whereas it is most manifest, that the leaving the Kingdom of *Spain* and the *Indies* in the House of *Bourbon* was the Foundation of the private and separate Treaty between *Great Britain* and *France*, which had been before that time signed even with her Majesty's Consent ; and the same Fundamental Resolution was immutably observed between them to the Conclusion of the Peace. And her Majesty having frequently declared from the Throne, that her Resolutions in entering into the said

said Negotiations were to obtain a general, good, and lasting Peace; and the Plenipotentiaries at *Utrecht* being instructed to treat with *France*, conformably to that end, he the said *Robert*, &c. in order to remove the just Suspicions which had been conceived of his private and separate Negotiations with *France*, did advise her Majesty to make this further Declaration in her said Message of the Seventeenth Day of *January*, That the World will now see how groundless those Reports are which have been spread abroad by Men of evil Intentions to serve the worst Designs; as if a separate Peace had been treated, for which there has not been the least colour given: whereas a private and separate Negotiation had been carried on for Five Months together between *Great Britain* and *France*; and during that time private Propositions had been sent from *England*, and a private Treaty with a Minister of *France* signed, even by her Majesty's Privy, exclusive of all the Allies, before the said Declaration made by her Majesty. And private and separate Measures were thenceforth carried on by the said *Robert*, &c. and his Accomplices, on behalf of her Majesty, with the Ministers of *France*, even to the Conclusion of the Peace with *France*. Her Majesty was further prevailed on by the wicked Advice of him the said *Robert*, &c. in her Speech of *June* the Sixth, 1712, to declare, That to prevent the Union of the Two Crowns, *she would not be content with what was Speculative, but insisted upon something Solid*: And in the same Speech to the Effect following, *videlicet*, The Nature of the Proposal for a Renunciation is such, that it executes it self, and *France* and *Spain* are thereby more effectually divided than ever: Whereas the Ministers of *France* had before that time assured the Ministers of her Majesty, That to ac-

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cept of the Expedient proposed on her Majesty's behalf, would be to build on a sandy Foundation; and that the Renunciation would be Null and Void by the Fundamental Laws of *France*; and that they would deceive themselves, who accepted it as an Expedient to prevent the Union of the Two Crowns. And not only in the particulars before-mentioned, but in many others contained in the said several Speeches and Messages made and sent to her Parliament, even while the said Negotiations of Peace with *France* were depending, the most essential Points relating to Peace and Commerce, and which concerned the Interest, as well of the Allies as of *Great Britain*, were grossly misrepresented. *By all which wicked, treacherous, and unexampled evil Counsels, he the said Robert, &c. did most basely, ungratefully, and scandalously abuse the Favour of his Royal Mistress, and by means of Authority did mis-lead her Parliament into groundless and fatal Resolutions; and thereby not only prevented the just Advice of the Parliament to her Majesty in that critical Juncture, but obtained the Approbation of Parliament to her Majesty to his mysterious and dangerous Practices; and did not only deprive her Majesty of the Confidence and Affection of her Allies, but exposed her Majesty and her People to the Contempt of the Common Enemy.*

A R T I C L E X V I .

That whereas the said *Robert, &c.* having on all Occasions used his utmost Endeavours to subvert the Ancient Established Constitution of Parliaments, the great and only Security of the Prerogative of the Crown, and of the Rights, Liberties, and Properties of the People, and *being most wickedly determined at one fatal Blow as far as in him lay to destroy the*
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Freedom and Independency of the House of Lords, the great Ornament and nearest Support of the Imperial Crown of these Realms, and falsely intending to disguise his mischievous Purposes under a pretended Zeal for the Prerogative of the Crown ; he the said Robert &c. on or about the Months of December or January, 1711, whilst the House of Lords were under an Adjournment, and had reason to expect that on their next Meeting Matters of the highest Importance would be communicated to them from the Throne, they having some few Days before given their humble Opinion and Advice to her Majesty, That no Peace could be safe or Honourable to Great Britain or Europe, if Spain and the West-Indies were to be allotted to any Branch of the House of Bourbon ; being then Lord High Treasurer of Great Britain, and one of her Majesty's Privy Council, and assuming to himself an arbitrary Direction and Controul in her Majesty's Councils, contrary to his Duty and his Oath, and in Violation of the great Trust reposed in him, and with an immediate Purpose to render ineffectual the many earnest Representations of her Majesty's Allies against the said Negotiations of Peace, as well as to prevent the good Effects of the said Advice of the House of Lords ; and in order to obtain such further Resolutions of that House of Parliament on the important Subject of the Negotiations of Peace, as might shelter and promote his secret and unwarrantable Proceedings, together with other false and evil Counsellors, did advise her Majesty to make and create Twelve Peers of this Realm, and Lords of Parliament ; and pursuant to his destructive Councils, Letters Patents did forthwith pass, and Writs issued, whereby Twelve Peers were made and created ; and did likewise advise her Majesty immediately to call and summon them to Parliament ; which being done accordingly.

accordingly, they took their Seats in the House of Lords on or about the Second of *January*, 1711; to which Day the House then stood ajourned. Whereby the said *Robert*, &c. did most highly abuse the Influence he then had with her Majesty, and prevailed on her to exercise in the most-unprecedented and dangerous Manner that valuable and undoubted Prerogative, which the Wisdom of the Laws and Constitution of this Kingdom hath entrusted with the Crown for the rewarding signal Virtue and distinguish'd Merit. By which desperate Advice he did not only, as far as in him lay, deprive her Majesty of the Continuance of those seasonable and wholesome Counsels in that critical Juncture, but wickedly perverted the true and only End of that great and useful Prerogative, to the Dishonour of the Crown, and the irreparable Mischief to the Constitution of Parliaments. *All which Crimes and Misdemeanours; were committed and done by him the said Earl against our late Sovereign Lady the Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him the said Earl, and he the said Earl, &c. was Lord High Treasurer of Great Britain, and one of her Majesty's Privy-Council during the time that all and every the Crimes before set forth were done and committed. For which Matters and Things, the Knights, Citizens, and Burgeses of the House of Commons in Parliament assembled, do, in the Name of themselves and of all the Commons of Great Britain, impeach the said Robert, &c. of High Treason, and other High Crimes and Misdemeanours in the said Articles contained. And the said Commons by Protestation saving to themselves the Liberty of exhibiting at any time hereafter any other Accusations or Impeachments against the said Earl, and also of replying to the Answers which the said Robert,*

bert, &c. shall make to the Premises, or any of them, or any Impeachment or Accusation that shall be by them exhibited, according to the Course and Proceedings of Parliament, do pray that the said *Robert*, &c. be put to answer all and every the Premises; and that such Proceedings, Examinations, Tryals and Judgments may be upon them, and every of them had and used, as shall be agreeable to Law and Justice. And they do further pray and demand, That the said *Robert*, &c. may be sequestred from Parliament, and forthwith committed to safe Custody.

Further ARTICLES of Impeachment of High Crimes and Misdemeanors, against Robert, &c.

ARTICLE I.

THAT whereas, in or about the Month of *January*, in the Year 1710-11, a dangerous and destructive Expedition had been projected and set on Foot, under pretence of making a Conquest on the Possessions of the *French King* in *North America*, but with a real Design to promote his Interests, by weakning the Confederate Army in *Flanders*, and Dissipating the Naval Force of this Kingdom, as well as for the sake of the private Interests and corrupt Gain of the Promoters of the said Expedition, he the said *Robert*, &c. being then one of her late Majesty's Privy Council, and one of the Commissioners of her Majesty's Treasury, was not only wanting in his Duty to her late Majesty, by willfully and industriously absenting from the Meetings of other Persons, then in high Trust under her Majesty, wherein the said Expedition was con-

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certed, and by not advising her Majesty against, and doing what in him lay, to have prevented the putting the same in Execution, but did, contrary to his Oath, and the high Trust then reposed in him, advise her Majesty to consent to the making an Expedition for the conquering *Canada* and the City of *Quebeck* on the River of St. *Laurence* in *North America*; and in Execution of his said Evil Councils, he did further advise her Majesty to give Orders for detaching several Battalions of the Forces then in the Service of her Majesty, in conjunction with her Allies in *Flanders*, and to send the same with a large Squadron of Men of War on the said Enterprize; Altho' the said *Robert*, &c. well knew, that the said Project or Expedition having been frequently deliberated on and maturely considered, a short time before, in a Committee of Council, was then laid aside as dangerous and impracticable. And a Demand being made at the Treasury, on or about the Months of *May* or *June*, 1711, for the the Sum of 28000 *l.* or thereabouts, on pretence of Arms and Merchandize said to be sent on the said Expedition to *Canada*, he the said *Robert*, &c. being then Lord High Treasurer of *Great Britain*, and one of her Majesty's Privy Council, tho' he well knew, or had Reason to suspect, that the same was an unjust and exorbitant Demand, and a great Abuse on her Majesty and the Public, and such as ought not to have been complied with, was not only wanting in his Duty to her Majesty, in not giving his humble Advice against the said Demand, or at least in not representing to her Majesty the Grounds of such his Suspicion, but did, contrary to his Oath and his Duty, advise her Majesty that the said Sums should be issued and paid, and did accordingly countersign a Warrant to the Paymaster of her Majesty's

Majesty's Forces for the Payment of the same, pursuant to which, the same was issued and received. And in further Violation of his Oath, his Duty and Trust, and with the most corrupt Design to prevent the Justice due to her Majesty and the Nation, he the said *Robert, &c.* being then Lord High Treasurer of Great Britain, *and exercising a most unexampled Arbitrary Power, not only in her Majesty's private Councils, but extending his evil Influences to the great Council of the Nation*; after the said Expedition had proved unsuccessful, and it had been discovered to him the said *Robert, &c.* that the Nation had been cheated of above 20000 *l.* on that Account, *did most ungratefully and corruptly employ his wicked Arts, and the Credit which he had gained by his many false and crafty Insinuations and Practices, to keep the House of Commons from examining that Affair.* And in or about the Month of *August, 1714.* in a Letter or Memorial, under his Hand, to her late Majesty, he did presume, not only to insinuate the ill Opinion, he therein pretended, always to have had of the said Expedition, but, did declare the Suspicions he had of the great Injury and Abuse done to her Majesty and the Public, in the Demand of the said 28000 *l.* even at the Time when the same was made, and that the Public had been cheated of above 20000 *l.* on that Account; and in the said Memorial did presume further to declare to her Majesty, *That he was forced to use all his Skill and Credit to keep the House of Commons from examining that Affair the last Parliament; Thereby vainly, but most wickedly, recommending himself to the Countenance of her Majesty's Favours, by the Success of his most profligate Measures. By all which unparallel'd Corruptions, and most dangerous Councils and Practices of him the said Robert, &c.* the good and faithful Allies of her Majesty

were deprived of the Aid of her Majesty's Troops to which they were entituled by their Conventions, and the Confederate Army in *Flanders* was greatly diminish'd, to the apparent Advantage of the Common Enemy : *The Public Money, granted by Parliament for reducing the Power of France, and which was expressly appropriated for other special Services, was arbitrarily and illegally misapplied and embezzled, and an heavy Debt incurr'd on the Nation, not only fitting the Parliament, but even in contempt and defiance of a Representation made by the House of Commons to the Throne, even when the said Expedition was concerting; and whereby the highest Injustice was done, in suppressing an Enquiry, so just to her Majesty and her People, and a lasting Reproach and Scandal brought on that House of Commons, of which he boasts, as having been wrought on by his corrupt Influence not to examine into so high and so scandalous an Abuse.*

ARTICLE II.

That the said Robert, &c. not contented with the high Employments, and Places of Honour and Profit bestowed on him by her late Majesty, nor with the large and excessive Gains by him made by the Incomes and Profits of the said Employments, on or about the Month of October 1711, whilst the Nation was engaged in a most expensive War against France and Spain, for preserving the Liberties of Europe, and greatly exhausted with the Supplies and Taxes for carrying on the same, and was under such heavy Debts as were impossible to be satisfy'd, without the utmost frugality or laying grievous Taxes upon the Commons of Great Britain : Contrary to his Oath and his high Trust, and making a most dishonourable and ungrateful

ful Use of the ready Access he had to her late Majesty, did prevail on and advise her Majesty to Sign a Warrant to himself, being then Lord High Treasurer of Great Britain, for the Issuing and Payment of the Sum of 13000 l. to John Drummond, Esq; or his Assigns, for such Special Services relating to the War, as her Majesty had directed: And the said Robert, &c. on or about the 24th Day of November following, in pursuance of the said Warrant under her Majesty's Sign Manual, did sign a Warrant for the Payment of the said 13000 l. for such Special Services of the War, as her Majesty had directed; altho' no Special Services had been, or were at any time afterwards directed by her Majesty, to which the said Monies were to be applied. And the said Robert, &c. having privately desired Leave of the said Drummond to strike some Tin-Tallies in his the said Drummond's Name, he did pursuant thereto, direct that Orders amounting to the Sum 13000 l. should be charged in the Register of the Exchequer on the Monies arising by Sale of Tin, in the Name of the said John Drummond; and tho' the same were accordingly struck in the Name of the said John Drummond, in or about the Month of November 1711, they were not delivered out to the said Drummond, but were kept in the Treasury Chamber, or elsewhere in the Power or Custody of the said Earl, 'till about the End of January following; when the said Drummond having occasion, as the said Robert, &c. well knew, to go into Holland, at the Desire and Request of the said Earl, he indorsed his Name on the said Orders, and the same were left, by his Privy, Direction, or Consent in the Hands of Mr John Taylour, a Clerk of the Treasury; and the said Robert, &c. having afterwards got Possession of the said Or-

ders, did in or about the Month of *June*, 1712, send an Order in Writing to the said *M^r. Taylor* to deliver the said Tallies to a Servant of the said Earl, which was done accordingly, the said Indorsements not being at that time filled up: And the said *Robert, &c.* having by these corrupt and scandalous Methods got the said Tallies and Orders into his own Hands, did afterwards fill up Assignments of the said Orders for 12000 *l.* part of the said 13000 *l.* to himself, and the remaining part to such other Persons as he thought fit, and did afterwards in or about the Months of *August, October, and November*, 1713. at several Times dispose of the said Orders and Tallies to his own private Use and Advantage. And to cover the said scandalous Embezzlements, he the said *Robert, &c.* did afterwards, as he pretends, advise and prevail on her Majesty, on or about the 14th of *December*, 1713, to Sign a Warrant prepared by himself, wherein after the *Recitals of his own good, faithful, and acceptable Services, which had tended to the Quiet, Safety, and Prosperity of her Majesty, and her Realms, tho' accompanied with great Difficulties on himself, and Hazards to him and his Family, and that her Majesty was resolved to bestow upon him a Sum of ready Money:* But the said Earl representing to her Majesty, that the Arrears then due to her Servants and Tradesmen were very great, and pressing, her Majesty did therefore agree and determine that he should have, to his own Use, the said several Sums amounting to 13000 *l.* comprized in Orders afore said, it was directed that the said *John Drummond* should assign the said Orders, and the whole Right and Benefit thereof to the said Earl and his Assigns; altho' the said Earl had privately and clandestinely procured from the said *Drummond* an
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Assignment of the said Orders near two Years before the said Warrant, and had fraudulently and corruptly disposed and converted them to his own Use, without her Majesty's Privy or Consent, some time before her Majesty was prevailed on to Sign the said Warrant. And though the last mentioned Warrant, if any such there be, was not communicated to the said *Drummond* by the said Earl, during her Majesty's Life, nor was the same Countersigned nor entred in the Treasury, yet he the said *Robert*, &c. even after his said Corruption had been discovered in Parliament, did presume, without the Privy of the said *Drummond*, to send the said Warrant to the Commissioners of his Majesty's Treasury, desiring that the same might then have been entered in the Treasury; but the same was with great Honour and Justice refused to be so entered. *By which most vile and scandalous Corruption, he the said Robert, &c. was guilty of the most notorious Breach of his Oath and Trust, as Lord High Treasurer of Great Britain, of the highest abuse of her Majesty's Goodness, and embezzlement of her Treasure, and of the greatest Injustice and Oppression of other her Majesty's Subjects.*

A R T I C L E III.

That whereas by the established and known Laws of this Kingdom, the Allowances or Appointments for the Maintenance and Support of the Ambassadors, Envoys, Plenipotentiaries, and other Publick Ministers of the Crown in Foreign Courts, ought to be ascertained in due Form of Law, as well in Honour as in Justice to the Imperial Crown of these Realms: And whereas the said *Robert*, &c. in or about the Month of *July* or *August*, 1712, sent *Matthew Prior*, Esq; an Instrument and Creature of his own,

into *France*, for the carrying on his separate and dangerous Negotiations; and did afterwards in the Month of *November*, 1712, by his evil Counsels prevail on her late Majesty, without the Privy of or any Communication with her Allies, to send the said *Matthew Prior* as her Majesty's Plenipotentiary to the *French* King, with Instructions to *Treat and Conclude Matters of the highest Importance*, relating to the general Negotiations of Peace: But the same was a treacherous and wicked Contrivance of him the said *Robert, &c.* for the more effectually carrying on and promoting his private, separate, and dangerous Practices with the Ministers of *France* and the Enemies of her Majesty and her Kingdoms; he the said *Robert, &c.* not regarding his Oath, or his high Trust, or the Laws of the Kingdom, did most corruptly and scandalously combine with the said *Matthew Prior* for the defrauding her Majesty of very great Sums, under the Colour of his said Employments in *France*; and to that end the said Earl did contrive that the said *Prior* should be sent to *France*, with the Character aforesaid, but without any settled Appointments or Allowances: But in the stead and lieu thereof, he the said *Robert, &c.* did give the said *Matthew Prior*, an unlimited Credit, and did promise to answer and pay such Bills as the said *Prior* should draw on him during his Residence in *France*; Pursuant to which Contrivance and corrupt Agreement, he the said *Matthew Prior* did between the 27th of *August*, in the Year 1712, New Style, and the tenth of *July* 1714, or thereabouts, at several times draw Bills of Exchange, to the amount of Twelve thousand three hundred and sixty Pounds, or thereabouts, on him the said *Robert, &c.* which he being then Lord High Treasurer of *Great Britain*, did advise and prevail upon her Majesty to

Sign

Sign Warrants for the Payment of, and did Counterfign the fame, altho' the said *Prior* was no way intitled to any fuch Allowances by reason of his said Employment, and the fame greatly exceeded the Allowance even of an Ambaffador of the Crown of *Great Britain*. And the said *Robert*, &c. did, in the Years 1712, 1713, and 1714, without any Colour of Authority, but for the further promoting his corrupt and wicked Purpofes, *prevail on and advife her Majefty to fign Warrants, which were counterfign'd by himfelf, for the Payment of the Sum of five thoufand five hundred and fixty Pounds, or thereabouts, to the Ufe of Thomas Harley, Efq; a near Relation and Emiffary of him the said Robert, &c. out of the Monies appropriated to the Ufe of her Majefty's Civil Lift: And did in like manner, at feveral times in the Years aforefaid, moft illegally, fraudulently, and corruptly Issue, or Direét, or Advife the Direétion and Payment of other large Sums of Money, to other Persons out of her Majefty's Treasury; By which moft illegal and scandalous Management, be the said Robert, &c. has introduced a Praétice highly prejudicial to, and utterly inconfiftent with the Conftitution of this Kingdom, and of the moft pernicious Confequence, by opening a way for the moft dangerous Corruptions; and was not only guilty of a notorious Breach of his Oath, but entred into the moft bafe and scandalous Combination with the Persons abovementioned, and others, under Pretence and Colour of promoting her Majefty's Service, to defraud her Majefty of the Publick Money, which he was intrufted with the Management of for the Support of the Honour and Dignity of the Crown.*

ARTICLE IV.

That whereas the Revenues arifing to the Crown from the Hereditary Excife and Poft-Office, or
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some Parts thereof, were, by virtue of Letters Patents of the late King *James* the Second charged with and made liable to certain Annuities or Yearly Sums, in Trust for, or to the Use of *Mary*, the Consort of the said King *James* the Second, but the said Revenues were afterwards, by several Acts of Parliament, granted and settled for the Support of the Royal Household, and of the Honour and Dignity of the Crown ; or for other public Uses, without any saving or exception of the said Letters Patents. And whereas by an Act made in the Twelfth Year of her late Majesty's Reign, the Sum of 500000 *l.* was granted to her late Majesty for the Discharge of divers Arrears of Salaries, Diet-Monies, and other Allowances, and sundry Debts for Pre-emptions, Provisions and other Causes, which had been then incurred and grown due to her late Majesty's Servants, Tradesmen and others, and were occasioned by several extraordinary Expences since the Act for the better Support of her Majesty's Household, and of the Honour and Dignity of the Crown. And the said Sum of 500000 *l.* was expressly appropriated to the Uses aforementioned, in Aid of the said Revenues or Branches which were appointed for the Support of her Majesty's Household, and the Honour and Dignity of the Crown. And whereas by an Act made in the 13th and 14th Years of his late Majesty King *William* the Third, it was Enacted, That for preventing Traiterous Correspondence between his Majesty's Subjects and the Pretended Prince of *Wales*, or his Adherents, That if any of the Subjects of the Crown of *England*, from and after the first Day of *March*, 1701, should within this Realm or without, hold, entertain, or keep any Intelligence or Correspondence in Person, or by Letters, Messages, or otherwise, with
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the said Pretended Prince of *Wales*, or with any Person or Persons employed by him, knowing such Persons to be so employed, or should by Bill of Exchange, or otherwise, remit or pay any Sum or Sums of Money for the Use or Service of the said pretended Prince of *Wales*, knowing such Money to be for such Use or Service, such Person so offending being lawfully convicted, should be taken, deemed, and adjudged to be guilty of High Treason, and shall suffer and forfeit, as in Cases of High Treason. He the said *Robert, &c.* having by the Means of the said *Matthew Prior*, held a private and unlawful Correspondence with the said Consort of the late King *James* the Second, then residing in *France*, and being determined secretly to promote, as far as in him lay, the Interest of the Pretender, but yet contriving to avoid the said Penalty of High Treason, and the said Consort of the late Majesty King *James* the Second, having empowered Abbot *Gaultier* (a Popish Priest, and busy Emissary between *Great Britain* and *France*, during the said private and separate Negotiations of Peace, and who was particularly entrusted as the common Agent between the Ministers of *Great Britain* and *France*, in transacting the most secret Affairs relating to the Pretender) to concert with the said *Robert, &c.* the settling the Payment and Remittance of a very great Yearly Sum out of her Majesty's Treasure into *France*, under colour and pretence of the said Letters Patents; and the said *Robert, &c.* having held frequent clandestine Conferences with the said Abbot *Gaultier*, on the Subject aforesaid, and having, by his evil Counsels sacrificed to *France* the common Interests of *Europe*; and being resolved that the first Fruits of the Peace with *France* should be an Offering made, by his
immediate

immediate Procurement, to the nearest and most avowed Adherent to the Pretender, though at the great Expence of the Honour and Safety of her Majesty and her People, did, soon after the Conclusion of the Peace with *France*, agree and undertake to procure the Payment of the Yearly Sum of Forty seven thousand Pounds and upwards, to or to the Use of the said Consort, during her Life; and in execution of his said Purpose, did afterwards, on or about the 23^d of *December*, 1713, being then Lord High Treasurer of *Great Britain*, and of her Majesty's Privy Council, advise her late Majesty to Sign a Warrant to himself, in the Words or to the Effect following, *viz.* “ *Anne R.* Whereas our late Royal
 “ Father King *James* the Second, by Letters Patents
 “ under his Great Seal, bearing Date on or about
 “ the 28th Day of *August*, 1685. did Grant
 “ unto *Lawrence* Earl of *Rocheſter*, *Henry* Earl of
 “ *Peterborough*, *Sidney* Lord *Godolphin*, *Robert Wor-*
 “ *den*, Esq; and Sir *Edward Herbert*, Kt. (who are
 “ all since deceas'd) divers Annuities or Yearly Sums,
 “ amounting to Thirty seven thousand three hundred
 “ and twenty eight Pounds, Thirteen Shillings,
 “ and Seven Pence to hold to them and their Heirs,
 “ during the Life of his then Royal Consort *Mary*,
 “ now Queen Dowager, in Trust for her; and by
 “ other Letters Patents, bearing date on or about
 “ 3^d of *December*, 1686, did also Grant unto the
 “ said Queen a farther Pension or Yearly Sum of
 “ Ten Thousand Pounds to hold during her natu-
 “ ral Life, all which were made payable in such
 “ manner as in the said several Letters Patents is more
 “ fully exprest. Our Will and Pleasure now is,
 “ and we do hereby Direct, Authorize and
 “ Command, that you cause Payment to be
 “ made to the Heirs of such of the said Trustees
 “ as

“ as was the longest Liver of them, of so much as
 “ since the 25th Day of *March* last, 1713, is in-
 “ curred or grown due on the said Annuities or Year-
 “ ly Sums, amounting to Thirry seven thousand
 “ three hundred and twenty eight Pounds, Thirteen
 “ Shillings and Seven Pence, and to the said Queen
 “ Dowager or her Assigns, of so much as since the
 “ said 25th Day of *March* last, 1713, is incurred or
 “ grown due on the said Annuity of Ten Thou-
 “ sand Pounds, according to the purport of the sever-
 “ ral Grants, or Letters Patents above recited, as
 “ also of what shall hereafter become due and pay-
 “ able upon the said several Annuities Quarterly,
 “ during the Life of the said Queen Dowager; and
 “ for so doing, this shall be your Warrant. Given
 “ at our Court at *Windsor-Castle*, the Twenty third
 “ Day of *December*, in the Twelfth Year of our
 “ Reign.” And did, afterwards, on or about the
 Twenty fourth of *December* following, Sign a War-
 rant to the Auditor of the Receipt of her Majesty’s
 Exchequer, requiring him to make and pass Debentures for paying to such Person or Persons as is, are,
 or shall be authoriz’d to receive the same, the Sum
 of Nine thousand three hundred thirty two Pounds,
 Three Shillings and Four Pence Three Farthings, for
 one Quarter, incurred upon the said several Yearly
 Sums therein mentioned, from *Lady-day* One thou-
 sand seven hundred and thirteen, to *Midsummer* fol-
 lowing, and appointed the same to be satisfied out of
 the Sum of Five Hundred Thousand Pounds, appro-
 priated by an Act passed the then last Session of Par-
 liament, for or towards Payment of such Debts and
 Arrears as were therein mentioned. And another
 Warrant to the said Auditor to make and pass De-
 bentures for paying to the said Queen, or to her
 Treasurer or Receiver, the Sum of 2500^l. for one
 Quarter,

Quarter, incurr'd on the said Pension of 10000*l.* *per Ann.* from *Lady-Day*, 1713, to *Midsummer* then last past, and appointed the same to be satisfied out of the Sum of 500000*l.* appropriated by an Act passed the then last Session of Parliament, for or towards payment of such Debts and Arrears as were therein mentioned. And the said *Robert*, &c. on or about the Twentieth of *July*, 1714, being then Lord High Treasurer of *Great Britain*, and of her Majesty's Privy Council, having corruptly and deceitfully, in further Violation of his Oath, and his high Trust, advised her late Majesty to Sign a Warrant, directing the Payment of One Thousand Pound Sterling to *Daniel Arthur*, Esq; for Monies expended by him for her Majesty's special Service, and the same being accordingly issued and received by him the said *Arthur* out of her Majesty's Treasure, he the said *Robert*, &c. being then Lord High Treasurer of *Great Britain*, did give private direction to the said *Arthur*, to pay the said Sum of One Thousand Pounds to the said Abbot *Gaultier*, or to his Use, pursuant to which Direction the said *Arthur* did pay or cause to be paid, the said Sum of One Thousand Pounds to the said Abbot *Gaultier*, or to his Use; whereby the said *Robert*, &c. did most wickedly betray the Honour of her late Majesty, and the Imperial Crown of these Realms, in advising her, under Colour of the said Letters Patents, and without the Advice of her Council or her Parliament to direct the issuing of the Revenue, provided by Parliament for the Support of the Honour and Dignity of the Crown, to the Use and Benefit of the open and avowed Adherent of the Pretender; and did not only defraud her Majesty of the said Sum of One Thousand Pounds, but did most arbitrarily, illegally, and corruptly advise the Embezzlement and Misap-
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plication of so much of the said Sum of Five Hundred Thousand Pounds, in Contempt and Defiance of the express Appropriation of an Act of Parliament.

ARTICLE V.

That whereas by the antient and undoubted Laws of this Kingdom, no Person being a natural born Subject of this Realm, or within any of the Dominions thereunto belonging, and having committed and being under the Guilt of High Treason, ought to be received within this Kingdom, as a Publick Minister, or with any Character from any foreign Prince, State, or Potentate. And whereas sometime in the Year 1713, one Patrick Lilesh, stiling himself, and commonly known by the Name of Sir Patrick Lawless, an Irish Papist (who had served with the late King James the Second, in the War in Ireland, against his late Majesty King William the Third, of ever glorious Memory, had followed the said King James into France, and continued in the most open and avowed Manner in his Interests and Service, and in Rebellion against his said Majesty King William, and had bore high Commission against, and had been in open Arms against her late Majesty Queen Anne, in the late War in Spain) did come into this Kingdom, and pretended to have and did take on himself the Character of a Minister sent from King Philip of Spain, to her late Majesty, to treat of Matters of the greatest Importance to the Honour and Safety of her Majesty and her Kingdoms; and having given notice of the same to Robert, &c. then Lord High Treasurer of Great Britain, and of her Majesty's Privy Council, and who then assumed to himself the Supreme Direction in her Majesty's Councils; he the said Robert, &c. was not only wanting in his Duty to her Majesty, in not advising her Majesty against
receiving

receiving and admitting the said Lilesh alias Lawless in the Quality aforesaid, but did, together with other false and evil Counsellors, advise her Majesty to receive and admit him as a Minister from his said Catholick Majesty; and the said Earl did presume frequently to Meet, Confer and Negotiate the most important Affairs of the Nation with the said Lilesh alias Lawless, in the Quality aforesaid. And the better to conceal his said illegal and dangerous Measures from her said Majesty, he the said Robert; &c. was privy to, consenting, and advising that the said Lilesh, alias Lawless, should be introduced to her said Majesty, and should be received and treated by her Ministers, under the false and disguised Name of Don Carlo Moro. And the House of Lords some time in the Month of April, 1714, having notice of the said dangerous Attempt of the said Lilesh alias Lawless, on or about the Ninth of the said Month, made an humble Address to her Majesty, That she would be graciously pleased to issue Her Royal Proclamation, Commanding all proper Officers and Magistrates to make diligent search for, and to apprehend all Popish Priests, and to put the Laws in Execution against them; And likewise to enquire after, and apprehend all such Persons as have served in Arms against her Majesty, or their late Majesties King William and Queen Mary, and who were then within the Kingdom, contrary to Law, to the End that they might be brought to Justice. To which Her Majesty was graciously pleased to return an Answer to the Effect following, viz. That She would give Orders pursuant thereto; and a Proclamation did accordingly issue. And on the Ninth Day of April, the House of Lords (having under their Consideration what further Security could be provided for strengthening the Protestant Succession in the
House

House of *Hanover*) came to the following Resolution, viz. " That no Person, being a Natural born Subject of *Great Britain*, or within any of the Dominions thereunto belonging, and who having traiterously served against Her Majesty, ought to be received as a Publick Minister, or with any Character within this Kingdom : " Notwithstanding which, he the said *Robert*, &c. having no regard to the Safety of her Majesty's Person, or to the Security of the Protestant Succession ; and setting himself in utter Defiance not only of the said Advice and Resolution to the House of Lords, but of her Majesty's Assurances of that House of Parliament, and of her Royal Authority and Command, by her Proclamation under the Great Seal : Instead of doing what in him lay to have apprehended and brought, or causing the said *Lisleb* alias *Lawless* to be brought to Justice, did afterwards, on or about the Fifteenth Day of *March*, 1714, most wickedly and treacherously advise her Majesty to Sign a Warrant, directing the Payment of One Thousand Pounds Sterling to *Daniel Arthur*, Esq; for special Services, which being accordingly issued and received by the said *Arthur*, he the said Earl did privately and corruptly direct the said *Arthur* to pay the same, and accordingly the said One Thousand Pounds was paid to the Use of the said *Lisleb* alias *Lawless* : And the said *Robert*, &c. did at other Times, in a fictitious and scandalous manner, direct the Payment of other considerable Sums of Money out of Her Majesty's Treasure, to the said *Lisleb* alias *Lawless*, which were accordingly paid to him ; altho' it was notorious, that the said *Lisleb* alias *Lawless*, had not only traiterously serv'd in Arms against her Majesty, but had been the Minister or Agent of the Pretender, at the Court of *Madrid* ; and was under

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strong Suspicions of being sent into *England*, tho' under the Pretences aforesaid, secretly to promote the Interest of the Pretender in these Kingdoms. By all which Corrupt and Evil Counsels, he the said *Robert*, &c. did most basely and ungratefully expose the Person of her Sacred Majesty, did what in him lay to enervate and render ineffectual the Advice of Parliament, and her Majesty's most solemn Declarations, in a matter' of the nearest Concern to her Majesty and Kingdoms, and by countenancing, in the most Corrupt and Scandalous manner, the secret Emissaries of the Pretender, did greatly encourage his open Adherents, to the apparent Danger of the Protestant Succession to the Imperial Crown of these Realms.

A R T I C L E VI.

That whereas Her late Majesty *Queen Anne*, after several unsuccessful Attempts in Conjunction with her Allies, to Establish his present Imperial Majesty on the Throne of *Spain*, being inform'd, that the People of *Catalonia* were inclined to cast off the Yoke impos'd upon them by the *French*, and to return to the Obedience of the House of *Austria*; and Her Majesty being desirous to maintain and improve that good Disposition in them, and to induce them to put the same speedily in Execution, did send *Mitford Crow*, Esq; to them, with necessary Powers and Instructions to carry on so great a Work, for the Advantage of Her Service, and the good of the Common Cause; and to that End, to Treat with the *Catalans*, or any other People of *Spain*, about their coming into the Interest of King *Charles* the Third, his present Imperial Majesty, and joining with her Majesty and her Allies against the Com-
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mon Enemy ; And her Majesty, after her gracious Assurances to assist them with Men and Money, was pleased to Authorize Her said Minister to give them Her utmost Assurances, to procure the Establishment of all such Rights and Immunities, as they had formerly enjoy'd under the House of *Austria*, and that for their further Satisfaction, She had sent for Powers from King *Charles* the Third, for confirming the same, and was willing to become Guarantee, that it should be done : Nevertheless on this express Condition, that they should receive the said King *Charles* as lawful King of *Spain*. and utterly renounce the House of *Bourbon*. And, together with the said Instructions, Her Majesty was pleas'd to sign and cause to be delivered to Her said Minister, Credential Letters to the Nobility, Magistrates, and all other Officers Civil and Military of *Catalonia*, desiring them to depend on the Promises he should make them in her Name. And in Her Majesty's Instructions to the Earl of *Peterborow* and Sir *Cloudsley Shovel*, in or about the Month of *May*, 1705, they are ordered to use their utmost Endeavours to induce the *Catalans* to join with them in their Undertaking, and to assure them of her Majesty's Support, and to promise them, in the Queen's Name, That She would secure them a Confirmation of their Rights and Privileges, from the King of *Spain*, that they might be settled on a lasting Foundation, to them and their Posterity. And in case Perswasions should not prevail, and the *Catalans* should not make a suitable Return to those kind Offers, they were order'd to annoy their Towns on the Coasts of *Spain*, and to reduce them by Force. And, in Conformity to these Instructions, a *Manifesto*, or Declaration was prepared, by the Privy and Advice of *Robert, &c.* then one of Her Ma-

jeſty's Principal Secretaries of State and deliver'd to
 the ſaid Earl of *Peterborow*, full, on the one hand, of
 the Aſſurances aforementioned, and on the other hand,
 of Menaces to them, in caſe they declined Her Ma-
 jeſty's Overtures, which *Manifeſto* was afterwards
 publiſhed by him the ſaid Earl of *Peterborow* in *Ca-*
talonia; And whereas the Nobility, Clergy, and
 the whole Principality of *Catalonia*, and the Inhabi-
 tants of the Iſle of *Majorca*, relying on the Faith of
 thoſe Royal Aſſurances, did utterly abandon the
 Houſe of *Bourbon*, and acknowledged King *Charles*
 the Third, his preſent Imperial Maſteſty, for their
 lawful Sovereign, and did join their Arms with
 thoſe of Her Maſteſty and Her Allies, againſt the
 Duke of *Anjou*; And it having pleaſed Almighty
 God ſo far to Bleſs Her Maſteſty's pious and gene-
 rous Undertaking, as by moſt ſignal Succeſſes, in a
 ſhort time, to deliver the Principality of *Catalonia*
 from the heavy Yoke of *French* Bondage; and great
 Supplies having been granted by Parliament, for the
 reducing the whole Kingdom of *Spain* to the Obe-
 dience of the Houſe of *Auſtria*; the Arms of Her
 Maſteſty and Her Allies were attended with vaſt Suc-
 ceſſes, having twice enter'd the Capital City of that
 Kingdom, and obtained many other ſignal Conqueſts,
 to the great Advantage of the Common Cauſe:
 And thro' the whole Progreſs thereof, the Bravery
 and Firmneſs of the *Catalans* being always remark-
 able, thereby, as well as from the repeated Aſſu-
 rances given to them, from time to time, in Her
 Maſteſty's Name, by every General and Miniſter
 ſent from *Great Britain* to *Spain*, the Hearts of that
 Brave People were united under the ſtrongeſt Tyes
 of Affection and Gratitude to Her Maſteſty; and
 they were juſtly held in the ſtricteſt Dependance on
 the Continuance of her Royal Protection; he the
 ſaid

said *Robert*, &c. being an Enemy to the Common Liberty of *Europe*, and having Traiterously enter'd into Conspiracies, for subjecting the whole *Spanish* Monarchy to the House of *Bourbon*, and designing most maliciously the utter Ruin and Destruction of the ancient Rights, Liberties and Privileges of the *Catalans*, who had made so glorious a Stand for the Preservation of them, did together with other false and evil Counsellors, form a Dishonourable, Wicked, and Cruel Contrivance, not only for abandoning the *Catalans* to the Fury and Revenge of the Duke of *Anjou* and his Adherents, but for the final Extirpation of all their Rights, Liberties, and Privileges. And in Execution of that his Intention, during the private, separate, and pernicious Negotiation of Peace which was carry'd on between him and the Ministers of *France*, and before any Negotiation of Peace was set on Foot, in due form of Law, between the Crowns of *Great Britain* and *Spain*, did advise her Majesty to give Directions to the Lord *Lexington*, Her Ambassador to the Court of *Spain*, to acknowledge the Duke of *Anjou* King of *Spain*, but was greatly wanting in his Duty to Her Majesty, in not advising her to give Instructions to Her said Minister, at the same time peremptorily and absolutely to insist on the securing the *Catalans* Liberties at the Conclusion of the Peace. And altho' the private, separate, and treacherous Practices of him the said *Robert*, &c. and others, in Combination with the Ministers of *France*, did afterwards, on or about the Fourteenth of *March* 1713, necessitate his present Imperial Majesty to conclude a Treaty for the Evacuating *Catalonia*, (whereof Her Majesty was Guarantee,) without any express and positive Stipulation for the *Catalans* Liberties, (his Imperial Majesty relying, in that respect, on Her Majesty's Declaration, to interpose for them in the most effectual

effectual manner, and on the Promises of the *French* King to join his Endeavours for the same Purpose.) And altho' Her Sacred Majesty did, both before and after, frequently declare by her Ministers in *Spain*, that she thought herself under the strongest Tyes of Honour and Conscience, not to abandon a People whom the Necessities of the War had obliged Her to draw into Her Interest. And tho' the *French* King did not join his Endeavours for the Purposes aforesaid; He the said *Robert*, &c. together with other false and wicked Counsellors, having from time to time amused and deceived the distress'd *Catalans* with groundless Hopes of Her Majesty's effectual Interpositions, in their Favour, thereby engaging them in a more obstinate Defence of their Territories against the Duke of *Anjou*, was not only highly wanting in his Duty to Her Majesty, by not doing what in him lay, as a faithful Minister, to have prevented the Conclusion of the Treaty of Peace with *Spain*, till just and honourable Conditions were secured for the *Catalans*, but did falsely, maliciously, and treacherously advise Her Majesty to conclude a Peace with the King of *Spain*, without any Security for the ancient and just Rights, Liberties and Privileges of that brave, but unhappy Nation. And did further advise Her Majesty to send Sir James Wishart, her Admiral, with a large Squadron of Men of War, at a great Expence, to favour the said King of *Spain* in the Siege of *Barcelona*, the Capital City of *Catalonia*, and with expresse Instructions, That in Case the Inhabitants of *Majorca* should refuse the Terms that should be offered them by the Duke of *Anjou*, to employ his Squadron, in countenancing and assisting all Attempts that should be made, for reducing them to a due Obedience. By which most vile and detestable Counsels, Her Sacred Majesty, contrary to Her most pious Intentions, the Faith of Nations,

Nations, and the Duties of Religion, and Humanity itself, and contrary to her solemn and repeated Assurances, was prevailed on to abandon a distressed People, drawn in, and engaged by her own Invitation, into an open War with the Duke of *Anjou*, for the Preservation of the Liberties of *Europe*, and the Commerce of *Great Britain*. And the Persons, Estates, Dignities, Rights, Liberties, and Privileges of the *Catalans* were given up as a Sacrifice, to the implacable Resentment of their enraged and powerful Enemy ; and the Honour of the *British* Nation, always renown'd for the Love of Liberty, and for giving Protection to the Assertors of it, was most basely prostituted, and a free and generous People, the faithful and useful Allies of this Kingdom, were betray'd in the most unparallel'd Manner, into irrevocable Slavery : And, in Consequence of which most dishonourable and perfidious Councils, the most execrable Hostilities, Burnings and Plunderings were committed upon them, throughout their whole Province, without sparing the effusion of Innocent Blood, and without the Distinction of Age or Sex ; and that unfortunate People were afterwards forced to undergo the utmost Miseries of a Siege, in their Capital City of *Barcelona* ; during which great Multitudes of them perished by Famine and Sword, many of them have since been Executed : And great Numbers of the Nobility of *Catalonia*, who for their Constancy and Bravery, in Defence of their Liberties, and for their Services in Conjunction with her Majesty and her Allies, had, in all Honour, Justice and Conscience, the highest Claim to Her Majesty's Protection, are now dispersed in Dungeons, throughout the *Spanish* Dominions ; and not only the *Catalan* Liberties extirpated, but by those wicked
Counsel;

Counsels of him the said *Robert, &c. Catalonia* it self is almost become Desolate.

All which Crimes and Misdemeanors were committed, and done by him the said Earl, against our late Sovereign Lady the Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him the said Earl.

And be the said Robert, &c. was either Commissioner of the Treasury, or Lord High Treasurer of Great Britain, and one of her Majesty's Privy Council, during the time that all and every the Crimes before set forth, were done and committed.

For which Matters and Things, the Knights, Citizens, and Burgesses of the House of Commons in Parliament assembled, do, in the Name of themselves, and of all the Commons of Great Britain, further Impeach the said Robert, &c. of other High Crimes and Misdemeanors in the said Articles contained. And the said Commons by Protestation, saving to themselves the Liberty of exhibiting at any time hereafter, any other Accusations or Impeachments against the said Earl and also of replying to the Answers, which the said Robert, &c. shall make to the Premises, or any of them, or to any Impeachment or Accusation that shall be by them exhibited, according to the Course and Proceedings of Parliament, do pray, That the said Robert, &c. be put to answer all and every the Premises; and that such Proceedings, Examinations, Tryals and Judgments may be upon them, and every of them had and used, as shall be agreeable to Law and Justice.

F I N I S.

